

AGENDA

D2025/07969

Agenda Forum 8 May 2025

Notice of Meeting

Dear Councillors

The next Agenda Forum will be held on Thursday, 8 May 2025 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.



Matthew MacPherson | Chief Executive Officer

2 May 2025

Please Note

If any Councillor has a query regarding a report item or requires additional information in relation to a report item, please contact the responsible officer (SOURCE OF REPORT) prior to the meeting.

The meeting will be recorded for administrative purposes only.

Per the meeting structure as adopted by the EMRC Council, there will be no public questions at Agenda Forums.

Public question time will continue as usual at Ordinary Meetings of Council and questions may be submitted electronically prior to the meeting, no later than 4.00pm on the day of the meeting to CouncilEnquiry@emrc.org.au.



EMRC Council Members

Cr Filomena Piffaretti	Chairperson	City of Bayswater
Cr Paul Poliwka	Deputy Chairperson	Town of Bassendean
Cr Tallan Ames	EMRC Member	Town of Bassendean
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Luke Ellery	EMRC Member	Shire of Mundaring
Cr Doug Jeans	EMRC Member	Shire of Mundaring
Cr Jennifer Catalano	EMRC Member	City of Swan
Cr Charlie Zannino	EMRC Member	City of Swan

EMRC Council Deputies

Cr Kathryn Hamilton	EMRC Deputy Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Deputy Member	City of Bayswater
Cr John Daw	EMRC Deputy Member	Shire of Mundaring
Cr Ian Johnson	EMRC Deputy Member	City of Swan

Agenda Forum

8 May 2025

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

1.1 ACKNOWLEDGEMENT OF COUNTRY

We wish to acknowledge the traditional custodians of the land, the Whadjuk people of the Noongar Nation and to pay our respects to elders' past, present and emerging.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3 DISCLOSURE OF INTEREST

4 ANNOUNCEMENTS BY THE CHAIRPERSON OR PRESIDING MEMBER

5 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following confidential reports are covered in Section 7 of this agenda:

- Establishment Agreement Review
- Hazelmere Wood Waste to Energy Project Update
- Legal Matter – Waste Transfer Station

6 EMPLOYEE REPORTS

- 6.1 REVIEW OF DELEGATED POWERS AND DUTIES (D2025/06232)
- 6.2 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2025 (D2025/08066)
- 6.3 REVIEW OF COUNCIL POLICIES (D2025/06263)
- 6.4 APPOINTMENT OF PRESIDING MEMBERS AND DEPUTY PRESIDING MEMBERS TO COMMITTEES (D2025/08700)
- 6.5 INFORMATION BULLETIN – 2024/2025 COUNCIL TONNAGE COMPARISONS AS AT 31 MARCH 2025 (D2025/07533)



6.1 REVIEW OF DELEGATED POWERS AND DUTIES

D2025/06232

PURPOSE OF REPORT

To complete the annual statutory review of the exercise of powers and discharge of duties delegated by Council.

KEY POINT(S)

- It is a requirement of section 5.18 of the *Local Government Act 1995* (the Act) that the delegations made by the Council to Committees are reviewed in every financial year.
- It is a requirement of section 5.46 of the Act that the delegations made by the Council to the Chief Executive Officer (CEO) are reviewed in every financial year.
- The delegation of powers and duties remaining current are recommended for review and to be re-affirmed by Council.

RECOMMENDATION(S)

That Council in accordance with s.5.18 and s.5.46 of the *Local Government Act 1995* reviews and adopts the delegations made to the Committees and the Chief Executive Officer respectively as detailed in the EMRC Delegations Register forming attachment 2 of this report.

SOURCE OF REPORT

Employee Disclosure under s.5.70 of the *Local Government Act 1995*:

Author(s)	Chief Financial Officer	Impartiality
Responsible Officer	Chief Executive Officer	Impartiality

BACKGROUND

- 1 It is a requirement of section 5.18 of the Act that the delegations made by the Council to Committees are reviewed at least once in every financial year.
- 2 It is a requirement of section 5.46 of the Act that the delegations made by the Council to the CEO are reviewed at least once in every financial year.

REPORT

- 3 The list of Council decisions to delegate its powers or duties to a Committee or to the CEO are listed the EMRC Delegations Register forming attachment 1 to this report.
- 4 Only the decisions which are still current are being recommended to Council for review and to be re-affirmed in the EMRC Delegations Register.
- 5 There is a legal distinction between a delegation and an authorisation.
- 6 A delegation entails the conferral of full discretionary powers pursuant to an express statutory power. A delegate decides in their own name.

- 7 An authorisation is an authority granted to a position or person to undertake a function for and on behalf of the authoriser. The authorised person decides in the name of the authoriser, not their own name.
- 8 Section 5.45 of the *Local Government Act 1995* states that in relation to delegations, nothing prevents a 'local government from performing any of its functions by acting through a person other than the CEO' or 'a CEO from performing any of his or her functions by acting through another person'.
- 9 Another method of providing decision making authority can be through the policies adopted by the council and the procedures prepared by the CEO. For example, the purchasing policy adopted by the council should provide authority for the CEO and other employees the CEO authorises to incur liabilities and procure goods and services for the local government.
- 10 Authorisation limits for EMRC officers are subject to a management guideline - Authorisation of Expenditure for such operational matters.
- 11 The following table summarises a number of changes to the EMRC delegations register that is included in the new proposed EMRC Delegations Register forming attachment 1 of this report.

Delegation Number	Description of Delegation	Review Outcome	Reason(s) for Delegation to Remain Current and Recommendations (subject to Council approval)
1.1.1	Chief Executive Officer Recruitment Committee: Authority to establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of the CEO	Removed	The Committee has exercised the authority and the Committee has been disbanded in line with its Terms of Reference following the selection and employment of the new CEO.

STRATEGIC/POLICY IMPLICATIONS

- 12 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy:

Target - Sustainability integrated into management processes.

FINANCIAL IMPLICATIONS

- 13 Nil

SUSTAINABILITY IMPLICATIONS

- 14 Nil

RISK MANAGEMENT

Risk – Non Compliance with the <i>Local Government Act 1995</i>		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
Annual review of delegated powers and duties and an approval for a delegation to the CEO is required to comply with the <i>Local Government Act 1995</i> .		



MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. EMRC Delegations Register – Tracked Changes (D2025/08518)
2. New EMRC Delegations Register (D2025/08690)

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That Council in accordance with s.5.18 and s.5.46 of the *Local Government Act 1995* reviews and adopts the delegations made to the Committees and the Chief Executive Officer respectively as detailed in the EMRC Delegations Register forming attachment 2 of this report.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Eastern Metropolitan Regional Council Delegations Register

Current as at ~~23-22~~ May ~~2024~~2025

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1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Chief Executive Officer Recruitment Committee

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made:</i>	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees.
Express Power of Duty Delegated	Local Government (Administration) Regulations 1996: Regulation 18FA Model Standards for CEO recruitment, performance and termination. —Schedule 2 Clause 8(2)
Delegate	Chief Executive Officer Recruitment Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	N/A
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Council Policy 2.1 Committees of Council Council Policy 4.1 Chief Executive Officer — Appointment, Performance Review and Termination Terms of Reference — Chief Executive Officer Recruitment Committee
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.1.2 Legal Committee

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees.
Express Power of Duty Delegated	<i>Authority to undertake actions in response to the legal matter outlined within confidential report (D2021/01716) and any related matters with regards to the Establishment Agreement (D2021/00930).</i>
Delegate	Chief Executive Officer Recruitment Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Undertake actions in response the legal matter and any related EMRC Establishment Agreement matters.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	N/A
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Council Policy 2.1 Committees of Council Terms of Reference – Legal Committee
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1	28/05/2024
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1.2 Council to Chief Executive Officer

1.2.1 Tenders for Goods and Services – Call Tenders

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.2 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$1,000,000 (ex GST) detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)].

	<p>8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 20% subject to Council resolution [F&G r.21A(a)].</p> <p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
Council Conditions on this Delegation	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ol style="list-style-type: none"> The total consideration under the resulting contract, arising from a tender or non-tender (i.e. request for quote), is \$1,000,000.00 (ex GST) or less (excluding plant and machinery); The total consideration under the resulting contract for the purchase of plant or machinery is up to the Council approved and adopted budget allocation set aside for that specific purpose and subject to the requirements of the <i>Local Government (Functions & General) Regulations 1996</i>. The expense is included in the adopted Annual Budget; and The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must include evidence that the variation is minor in comparison to the total goods or services that tenders were invited to supply and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</i> WALGA Subscription Service – Procurement Toolkit Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.3 Payments from the Municipal or Trust Funds

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal or trust funds [FM. r.12(1)(a)]
Council Conditions on this Delegation	<ul style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. b. A brief description outlining the nature of each transaction and payment made from municipal or trust funds on a monthly basis is to be included.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p> <p>EMRC Management Guidelines:</p> <ul style="list-style-type: none"> 1. Authorisation of Expenditure 2. Corporate Credit Card
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.4 Disposing of Property

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> the highest bidder at public auction [s.3.58(2)(a)]. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)] disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G.r.30(2)(e)] disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice[F&G.r.(2A)] disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G r.30(3)(a)]

	<p>(g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)].</p> <p>4. Authority to donate EMRC product limited to the value set out in the conditions pertaining to this delegation.</p>
Council Conditions on this Delegation	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than \$75,000 (ex GST).</p> <p>c. Disposal by way of a donation of EMRC product is limited to a value of no more than \$10,000.</p> <p>d. When determining the method of disposal:</p> <ul style="list-style-type: none"> ➤ Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ⇒ Reserve price has been set by independent valuation. ⇒ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. ➤ Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. ➤ Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ⇒ Negotiate the sale of the property up to a -10% variance on the valuation; and ⇒ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. ➤ A disposal under Functions and General Regulations 30(2)(a), (f), (2A) or (3)(a), (b), the disposal method selected must obtain a best value outcome for the Local Government. ➤ A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.

	➤ Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Chief Financial Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Sub-delegate may: a. Authorise the disposal of any EMRC fleet vehicles in accordance with EMRC's vehicle replacement schedule. b. Set the reserve price of the EMRC fleet vehicles subject to a public auction or public tender. c. Offer or accept an alternate offer price in the event the reserve price is not met.
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995 – s.3.58 Disposal of Property</i> <i>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</i> EMRC Management Guidelines: 1. Fleet Vehicle Allocation
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.5 Contracts for the Sale of Products

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to enter into contracts for the sale of EMRC generated products to a maximum value of \$3 million.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to enter into contracts for the sale of EMRC generated products
Council Conditions on this Delegation:	Up to a maximum contract value of three million dollars (\$3,000,000) ex GST.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.6 Contracts for Waste Disposal Related to Operations

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to negotiate and enter into contracts for waste disposal related to operations at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to negotiate and enter into waste disposal contracts related to operations.
Council Conditions on this Delegation:	Related to waste disposal related to operations at Red Hill Waste Management Facility and Hazelmere Resource Recovery Park
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.7 Legal Matters relating to Anergy Australia Pty Ltd

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<ol style="list-style-type: none"> 1. Authority to issue, and instruct EMRC's lawyers to issue, any default notices that may be required pursuant to any of the agreements between Anergy Australia Pty Ltd and the EMRC (D2019/10941). 2. Authority to represent the EMRC's interest and vote on its behalf at any creditors meeting to be held by the voluntary administrator of Anergy Australia Pty Ltd, in consultation with the Chairperson and Deputy Chairperson.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to issue any default notices that may be required pursuant to any of the agreements with Anergy Australia Pty Ltd. 2. Authority to represent the EMRC's interest and vote at any creditors meeting to be held by the voluntary administrator of Anergy Australia Pty Ltd, in consultation with the Chairperson and Deputy Chairperson.
Council Conditions on this Delegation:	a. The authority to represent and vote at creditors meeting is in consultation with the Chairperson and Deputy Chairperson.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.8 Complaints Officer

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> r.11(3) of Schedule 1 The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The Chief Executive Officer is to be the Complaints Officer. 2. Authority to appoint authorised complaints officers.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	EMRC Code of Conduct EMRC Council Member Complaints Procedure EMRC Complaint About Alleged Breach Form
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.9 Air Pollution Control Residue Disposal

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<ol style="list-style-type: none"> 1. Authority to negotiate and enter into the Air Pollution Control Residue Disposal agreement and financial direct deed, subject to minor variations and the satisfaction of the requirements of s.3.59 of the <i>Local Government Act 1995</i> (D2022/18466). 2. Authority to exercise the option to proceed with the additional items identified in the report, subject to a review of the business case outcomes for the additional capital expenditure. 3. Authority to enter into a contract with Enviropacific, in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Enviropacific.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to negotiate and enter into the Air Pollution Control Residue Disposal and financial direct deed. 2. Authority to exercise the option to proceed with the additional items identified in the report. 3. Authority to enter into a contract with Enviropacific in accordance with their submitted tender, subject to minor variations.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to the satisfaction of the requirements of s.3.59 of the <i>Local Government Act 1995</i>. b. Subject to a review of the business case outcomes for the additional capital expenditure.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> – prescribe applicable statutory procedures
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.10 Procurement of Spare Parts and Repairs for HAAS Grinder

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 (2)(f) Tenders do not have to be publicly if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</p>
Express Power of Duty Delegated	Authority to accept quotations from HAAS or its authorised suppliers for the supply of spare parts and periodic equipment repairs of the HAAS timber grinder.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The CEO has been granted authority to accept quotations for spare parts and periodic equipment repairs of the HAAS timber. 2. Exemption has been granted for tenders do not have to be publicly invited.
Council Conditions on this Delegation:	Accept quotations only from HAAS or its authorised suppliers.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.11 Agreement with City of Kalamunda to Engage Deloitte

<u>Delegator</u> <i><u>Power/Duty assigned in legislation to:</u></i>	<u>Local Government</u>
<u>Express Power to Delegate</u> <i><u>Power that enables a delegation to be made.</u></i>	<u>Local Government Act 1995:</u> <u>s.5.42 Delegation of some powers or duties to the CEO</u> <u>s.5.43 Limitations on delegations to the CEO</u> <u>Local Government (Functions and General) Regulations 1996:</u> <u>r.11 (2)(f) Tenders do not have to be publicly if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</u>
<u>Express Power of Duty Delegated</u>	<u>Authority to negotiate and enter into an agreement with City of Kalamunda to engage Deloitte.</u>
<u>Delegate</u>	<u>Chief Executive Officer</u>
<u>Function:</u> <i><u>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</u></i>	<u>1. The CEO has been granted authority to negotiate and enter into an agreement with City of Kalamunda to engage Deloitte.</u> <u>2. Exemption has been granted for tenders do not have to be publicly invited.</u>
<u>Council Conditions on this Delegation:</u>	<u>Subject to the terms specified in the Confidential Report (D2025/03804).</u>
<u>Express Power to Sub-Delegate:</u>	<u>Local Government Act 1995:</u> <u>s.5.44 CEO may delegate some powers and duties to other employees</u>
<u>Sub-Delegate/s:</u> <i><u>Appointed by CEO</u></i>	<u>Nil</u>
<u>CEO Conditions on this Sub-Delegation:</u> <u>Conditions on the delegation also apply to sub-delegation.</u>	<u>N/A</u>
<u>Compliance Links</u>	<u>Council Policy 3.5 Purchasing Policy</u>
<u>Record Keeping:</u>	<u>Records to be kept in accordance with the current EMRC Record Keeping Plan</u>

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Eastern Metropolitan Regional Council Delegations Register

Current as at 22 May 2025

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1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.2 Legal Committee

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees.
Express Power of Duty Delegated	<i>Authority to undertake actions in response to the legal matter outlined within confidential report (D2021/01716) and any related matters with regards to the Establishment Agreement (D2021/00930).</i>
Delegate	Chief Executive Officer Recruitment Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Undertake actions in response the legal matter and any related EMRC Establishment Agreement matters.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	N/A
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Council Policy 2.1 Committees of Council Terms of Reference – Legal Committee
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2 Council to Chief Executive Officer

1.2.1 Tenders for Goods and Services – Call Tenders

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.2 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$1,000,000 (ex GST) detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)].

	<p>8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 20% subject to Council resolution [F&G r.21A(a)].</p> <p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
Council Conditions on this Delegation	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ol style="list-style-type: none"> The total consideration under the resulting contract, arising from a tender or non-tender (i.e. request for quote), is \$1,000,000.00 (ex GST) or less (excluding plant and machinery); The total consideration under the resulting contract for the purchase of plant or machinery is up to the Council approved and adopted budget allocation set aside for that specific purpose and subject to the requirements of the <i>Local Government (Functions & General) Regulations 1996</i>. The expense is included in the adopted Annual Budget; and The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must include evidence that the variation is minor in comparison to the total goods or services that tenders were invited to supply and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.3 Payments from the Municipal or Trust Funds

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal or trust funds [FM. r.12(1)(a)]
Council Conditions on this Delegation	<ul style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. b. A brief description outlining the nature of each transaction and payment made from municipal or trust funds on a monthly basis is to be included.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p> <p>EMRC Management Guidelines:</p> <ol style="list-style-type: none"> 1. Authorisation of Expenditure 2. Corporate Credit Card
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.4 Disposing of Property

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> the highest bidder at public auction [s.3.58(2)(a)]. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)] disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G.r.30(2)(e)] disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice[F&G.r.(2A)] disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G r.30(3)(a)]

	<p>(g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)].</p> <p>4. Authority to donate EMRC product limited to the value set out in the conditions pertaining to this delegation.</p>
Council Conditions on this Delegation	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than \$75,000 (ex GST).</p> <p>c. Disposal by way of a donation of EMRC product is limited to a value of no more than \$10,000.</p> <p>d. When determining the method of disposal:</p> <ul style="list-style-type: none"> ➤ Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ⇒ Reserve price has been set by independent valuation. ⇒ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. ➤ Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. ➤ Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ⇒ Negotiate the sale of the property up to a -10% variance on the valuation; and ⇒ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. ➤ A disposal under Functions and General Regulations 30(2)(a), (f), (2A) or (3)(a), (b), the disposal method selected must obtain a best value outcome for the Local Government. ➤ A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.

	➤ Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Chief Financial Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Sub-delegate may: a. Authorise the disposal of any EMRC fleet vehicles in accordance with EMRC's vehicle replacement schedule. b. Set the reserve price of the EMRC fleet vehicles subject to a public auction or public tender. c. Offer or accept an alternate offer price in the event the reserve price is not met.
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995 – s.3.58 Disposal of Property</i> <i>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</i> EMRC Management Guidelines: 1. Fleet Vehicle Allocation
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

Version Control:

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1.2.5 Contracts for the Sale of Products

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to enter into contracts for the sale of EMRC generated products to a maximum value of \$3 million.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to enter into contracts for the sale of EMRC generated products
Council Conditions on this Delegation:	Up to a maximum contract value of three million dollars (\$3,000,000) ex GST.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.6 Contracts for Waste Disposal Related to Operations

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to negotiate and enter into contracts for waste disposal related to operations at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to negotiate and enter into waste disposal contracts related to operations.
Council Conditions on this Delegation:	Related to waste disposal related to operations at Red Hill Waste Management Facility and Hazelmere Resource Recovery Park
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.7 Legal Matters relating to Anergy Australia Pty Ltd

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<ol style="list-style-type: none"> 1. Authority to issue, and instruct EMRC's lawyers to issue, any default notices that may be required pursuant to any of the agreements between Anergy Australia Pty Ltd and the EMRC (D2019/10941). 2. Authority to represent the EMRC's interest and vote on its behalf at any creditors meeting to be held by the voluntary administrator of Anergy Australia Pty Ltd, in consultation with the Chairperson and Deputy Chairperson.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to issue any default notices that may be required pursuant to any of the agreements with Anergy Australia Pty Ltd. 2. Authority to represent the EMRC's interest and vote at any creditors meeting to be held by the voluntary administrator of Anergy Australia Pty Ltd, in consultation with the Chairperson and Deputy Chairperson.
Council Conditions on this Delegation:	a. The authority to represent and vote at creditors meeting is in consultation with the Chairperson and Deputy Chairperson.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.8 Complaints Officer

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> r.11(3) of Schedule 1 The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The Chief Executive Officer is to be the Complaints Officer. 2. Authority to appoint authorised complaints officers.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	EMRC Code of Conduct EMRC Council Member Complaints Procedure EMRC Complaint About Alleged Breach Form
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.9 Air Pollution Control Residue Disposal

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	<ol style="list-style-type: none"> 1. Authority to negotiate and enter into the Air Pollution Control Residue Disposal agreement and financial direct deed, subject to minor variations and the satisfaction of the requirements of s.3.59 of the <i>Local Government Act 1995</i> (D2022/18466). 2. Authority to exercise the option to proceed with the additional items identified in the report, subject to a review of the business case outcomes for the additional capital expenditure. 3. Authority to enter into a contract with Enviropacific, in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Enviropacific.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to negotiate and enter into the Air Pollution Control Residue Disposal and financial direct deed. 2. Authority to exercise the option to proceed with the additional items identified in the report. 3. Authority to enter into a contract with Enviropacific in accordance with their submitted tender, subject to minor variations.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to the satisfaction of the requirements of s.3.59 of the <i>Local Government Act 1995</i>. b. Subject to a review of the business case outcomes for the additional capital expenditure.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> – prescribe applicable statutory procedures
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.10 Procurement of Spare Parts and Repairs for HAAS Grinder

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 (2)(f) Tenders do not have to be publicly if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</p>
Express Power of Duty Delegated	Authority to accept quotations from HAAS or its authorised suppliers for the supply of spare parts and periodic equipment repairs of the HAAS timber grinder.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The CEO has been granted authority to accept quotations for spare parts and periodic equipment repairs of the HAAS timber. 2. Exemption has been granted for tenders do not have to be publicly invited.
Council Conditions on this Delegation:	Accept quotations only from HAAS or its authorised suppliers.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A
Compliance Links	Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.11 Agreement with City of Kalamunda to Engage Deloitte

Delegator <i>Power/Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made.</i>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 (2)(f) Tenders do not have to be publicly if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</p>
Express Power of Duty Delegated	Authority to negotiate and enter into an agreement with City of Kalamunda to engage Deloitte.
Delegate	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The CEO has been granted authority to negotiate and enter into an agreement with City of Kalamunda to engage Deloitte. 2. Exemption has been granted for tenders do not have to be publicly invited.
Council Conditions on this Delegation:	Subject to the terms specified in the Confidential Report (D2025/03804).
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: Conditions on the delegation also apply to sub-delegation.	N/A
Compliance Links	Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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6.2 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2025

D2025/08063

PURPOSE OF REPORT

The purpose of this report is to provide Council with an overview of the EMRC's financial performance for the period ended 31 March 2025.

KEY POINT(S)

- Significant year to date budget variances greater than 10% or \$20,000, whichever is the greater, within each nature and type category on the Statement of Comprehensive Income as at 31 March 2025 have been identified and are reported on in the body of the report.
- The Financial Reports are unaudited and may be subject to amendments as a result of any audit adjustments.

RECOMMENDATION(S)

That Council receives the Statement of Comprehensive Income, Capital Expenditure Statement, Statement of Financial Position, Statement of Cash and Investments, Statement of Financial Activity and the Investment Report for the period ended 31 March 2025.

SOURCE OF REPORT

Employee Disclosure under s.5.70 of the *Local Government Act 1995*:

Author(s)	Manager Financial Services	Nil
Responsible Officer	Chief Financial Officer	Nil

BACKGROUND

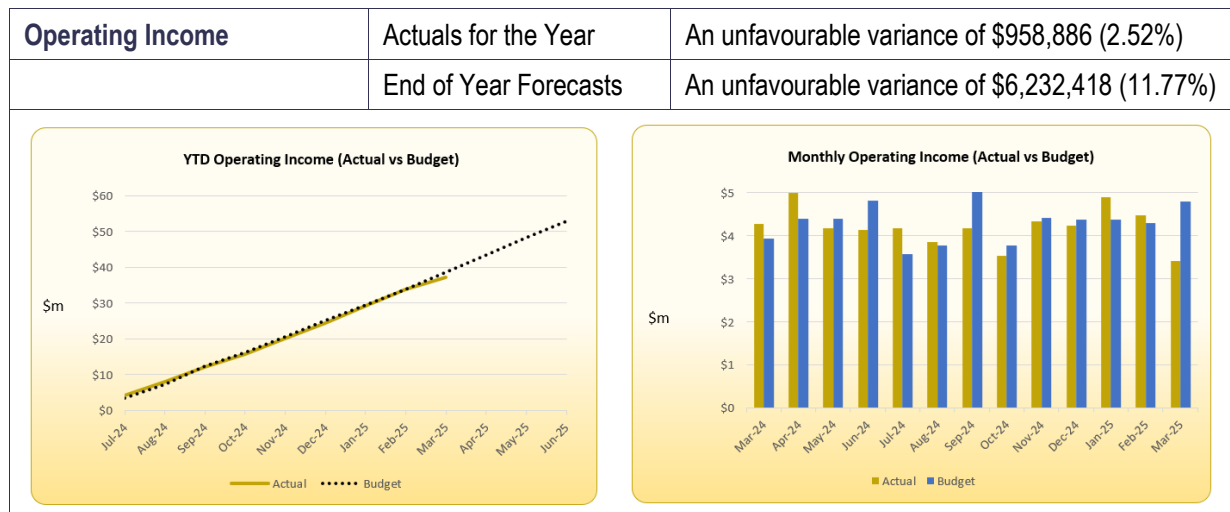
- 1 It is a requirement of the *Local Government (Financial Management) Regulations 1996* (r.34) that a Local Government is to prepare and present to Council financial reports in such a form as the Local Government considers to be appropriate.
- 2 Submitted to each meeting of Council is a financial report and summaries which provide an overview of year to date budget performance for operating activities and capital works. Variances greater than 10% or \$20,000, whichever is the greater, within each nature and type category on the Statement of Comprehensive Income are reported on in the body of the report. Also included are end of year forecasts by nature and type for operating activities and end of year forecasts for each capital works project. These forecasts are reviewed regularly in order to provide an accurate forecast of the end of year result.

REPORT

- 3 Outlined below are financial statements for the period ended 31 March 2025. Where possible the year to date monthly budget allocations will be reviewed in order to match the appropriate timing for the various projects budgeted to be undertaken. This will provide a better comparison between the year to date actual and year to date budget figures.

Statement of Comprehensive Income - Nature and Type (refer Attachment 1)

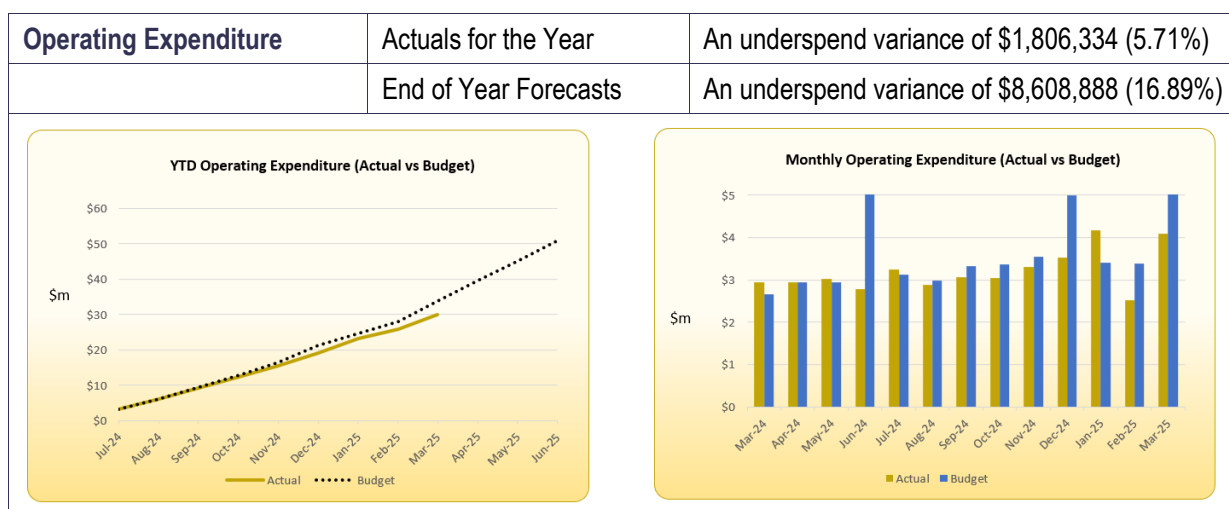
- 4 The net operating result as at 31 March 2025 is a favourable variance of \$847,448 (13.18%) against budget. The following information is provided on key aspects of Council's year to date financial performance:



Operating Income Variances Previously Reported to Council

- 5 Year to date Net User Charges of \$28,110,769 is below the budget by \$3,227,692 (10.30%). The variance is attributed to lower Class IV tonnages received than anticipated.
- 6 The full year forecast for Net User Charges is below the annual budget by \$8,283,126 (19.36%). This variance is attributable to lower than budgeted tonnages forecast on Class IV waste to be disposed at the RHWMF.
- 7 The full year forecast for Special Charges is below the annual budget by \$130,206 (15.62%). This variance is attributable to lower than budgeted tonnages forecast of Class III to be received from Member Councils. This is due to the commencement of FOGO.
- 8 Year to date Secondary Waste Charge is below the budget by \$377,089 (37.84%). Following the resolution of the council meeting on 22 August 2024, the Secondary Waste Charge has been temporarily suspended from 1 September 2024 until the end of the 2024/2025 financial year as a result the Secondary Waste Charge is below the budget.
- 9 The full year forecast for the Secondary Waste Charge is below the annual budget by \$562,059 (47.58%). This is due to the temporary suspense of the Secondary Waste Charge from 1 September 2024 until the end of the 2024/2025 financial year following the resolution of the Council meeting on 22 August 2024.
- 10 Year to date Interest on Municipal Cash Investments of \$1,404,296 is above the budget by \$1,282,382 (1,051.87%) due to the higher investment rate achieved (4.94% average interest vs 4.43% budgeted) and higher available funds for investments.
- 11 The full year Interest on Municipal Cash Investments has been forecast to be above the budget by \$1,482,012 (911.63%) due to the higher in investment rates achieved during the year and the higher available funds for investments.
- 12 Year to date Interest on Restricted Cash Investments of \$1,584,179 is above the budget by \$596,132 (60.33%). The variance is attributed to a higher balance in Restricted Cash Investments.

- 13 The full year Interest on Restricted Cash Investments has been forecast to be above the budget by \$728,036 (55.26%). The variance is attributed to movements in restricted reserves and a higher balance in Restricted Cash Investments.
- 14 The full year forecast for Reimbursements has been forecast to be \$454,619 (22.14%) above the budget of \$2,053,456. The primary variances are due to higher than budgeted income in the following areas:
- \$326k - Higher recoup from Baywaste Transfer Station operations (based on the level of expenditure);
 - \$175k - Unbudgeted income from the insurance claims on Plant;
 - \$15k - Higher recoup from Mathieson Rd Transfer Station operations (based on the level of expenditure);
 - \$14k - Unbudgeted recoup of expenditure from Cleanaway; and
 - This is offset by reimbursements lower than budget in the following areas:
 - \$61k - Lower recoup relating to Bin Management on Regional Waste Collection Project; and
 - \$25k - Lower recoup from Coppin Road Transfer Station including the CDS project operations (linked to the level of expenditure).
- 15 Year to date Other Income of 2,954,256 is above the budget by \$741,210 (33.49%) primarily due to an additional revenue generated from Australian carbon credit units (ACCU).
- 16 The full year forecast for Proceeds from Sale of Assets of \$140,591 has been forecast to be \$184,409 (56.74%) below the budget of \$325,000. This variance relates to the timing on the disposal of fleet vehicles.
- 17 There were no further significant Operating Income variances as at 31 March 2025.



Operating Expenditure Variances Previously Reported to Council

- 18 Year to date Salary Expenses of \$10,924,826 is \$1,341,774 (10.94%) below the budget. This variance relates to budgeted positions yet to be filled together with unfilled vacant positions.
- 19 The full year forecast for Salary Expenses is below the annual budget by \$1,920,372 (11.44%). The variance is attributable to the timing of filling vacant positions and budgeted positions that will not to be filled by year end.
- 20 Year to date Contract Expenses is \$1,216,397 (14.20%) lower than the budget. The variance is due to lower consulting fees spent (\$565,441) and lower contract material and labour expenses spent in Waste Transfer Station (\$1,030,759) compared to the budgeted amounts. This was offset by an increase in labour hire expenses due to unfilled vacant positions under Salary Expenses.

- 21 Year to date Material Expenses of \$1,129,233 is \$395,433 (25.94%) lower than budget of \$1,524,666 due to the timing of variance projects from different business units. Areas where the expenditures are lower than budget for various business units include the Office of the CEO (\$80,424), Business Support (\$89,778), Sustainability (\$96,409) and Operations (\$128,822).
- 22 Year to date Fuel Expenses of \$1,215,045 is \$271,611 (18.27%) below the budget. The variance is attributed to lower purchase price of diesel fuel compared to budget.
- 23 The full year forecast for Interest Expenses is \$280,254 above the budget. The variance is attributable to the adjustment in the estimated unwinding of discount on Post Closure and Site Rehabilitation Provisions in response to the change in the Consumer Price Index (CPI).
- 24 Year to date Insurance Expenses is \$120,237 (26.38%) above the budget of \$455,715 due to adjustment charges received for insurance premium for Waste Transfer Station from previous financial year.
- 25 The full year forecast for Insurance Expenses is \$239,039 above the budget of \$610,639. The variance is due to an additional insurance premium required for Waste Transfer Station.
- 26 Year to date Depreciation Expenses of \$4,587,884 is \$491,210 (11.99%) above the budget. The major variance relates to the higher cell usage as a result of additional commercial and non-member Council tonnages received.
- 27 Year to date Miscellaneous Expenses is below the budget by \$1,203,294 (54.07%). The primary variances pertain to the gate fee payments to East Rockingham Waste to Energy. The project delay has resulted in a delayed in gate fee payments.
- 28 The full year forecast for Miscellaneous Expenses has been forecast to be \$9,405,589 (84.12%) below the budget of \$11,180,783. The principal variances are due to lower than budgeted expenditure in the following areas:
 - Disposal charges associated with the East Rockingham Waste to Energy Project (ERWTE) by \$8.99m;
 - Software acquisition expenses by \$148k due to the requirements of new system are not essential to our current operations;
 - Council rates and charges expenses by \$53k;
 - Airfare and travel expenses by \$49k;
 - Accommodation and meal expenses by \$39k; and
 - Internet service provider expenses by \$51k.
 - This is offset by Miscellaneous Expenses higher than budget in the following areas:
 - Membership and subscription expenses of \$18k.
- 29 Year to date Provision Expenses is \$2,032,105 (464.15%) above the budget of \$437,814. This non-cash flow is related to Post Closure Site Rehabilitation and Environmental Monitoring provisions. The variance is attributed to additional Class III tonnages received from member Council, commercial and non-member Council due to the delay in East Rockingham Waste to Energy project and a new provision expenses rates have been applied following the resolution of the Council meeting on 27 March 2025.
- 30 The full year forecast for Provision Expenses is \$1,787,374 above the budget of \$617,260. The variance relates to the adjustment in the estimated of future value of Post Closure and Site Rehabilitation Provisions in response to the change in the Consumer Price Index (CPI) and the updated costs following the recent review.
- 31 The full year forecast for Carrying Amount of Assets Disposal of \$180,615 has been forecast to be \$71,146 (28.26%) below the budget of \$251,761. This variance relates to the timing on the disposal of fleet vehicles.

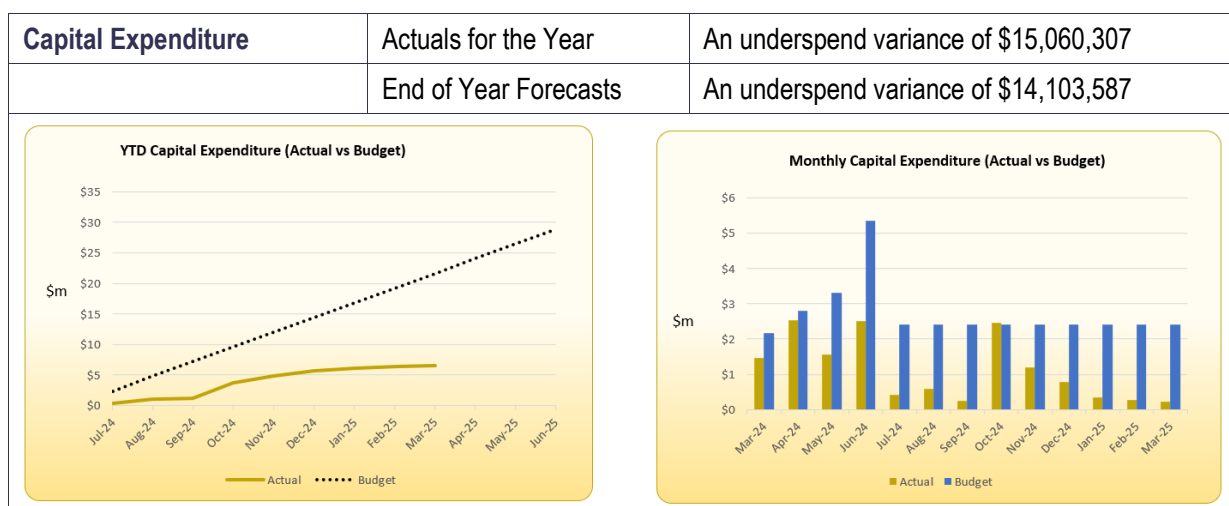
- 32 There were no further significant Operating Expenditure variances as at 31 March 2025.

Other Comprehensive Income	Actuals for the Year	Nil
	End of Year Forecasts	An adjustment of \$12,238,929

- 33 The full year forecast for Revaluation of Assets/Accumulated Depreciation Reversal is \$12,238,929 above the budget. The variance is attributable to the adjustment in the estimated costs on Post Closure and Site Rehabilitation Provisions following the recent review in accordance with the 4 year cycle as adopted by the Council.

- 34 There were no significant Other Comprehensive Income variances as at 31 March 2025.

Capital Expenditure Statement (refer Attachment 2)



Capital Expenditure Variances

- 35 A year to date underspent variance of 15,060,307 existed as at 31 March 2025 when compared to the budget of \$21,625,839.

- 36 Year to date Capital expenditure totalling \$6,565,532 with the major capital expenditure being undertaken on the following:

- Purchase / Replace Plant - RHWMF - \$1,951,327
- Construct Class III Cell Stage 17 - RHWMF - \$1,624,785;
- Construct Wood Waste to Energy Building - HRRP - \$453,295;
- Purchase / Replace Plant - HRRP - \$418,219;
- Construct Class III Cell Stage 18 - RHWMF - \$354,814;
- Wood Waste to Energy Utilities/Infrastructure - HRRP - \$281,958;
- Purchase / Replace Other Equipment - RHWMF - \$215,806;
- FOGO Picking Station - RHWMF - \$167,172;
- Purchase FOGO Processing Plant - RHWMF - \$147,541;
- Purchase / Replace Vehicles - RHWMF - \$146,466;
- Construct Wheel wash Bath - RHWMF - \$144,868;
- Purchase Vehicles - Ascot - \$110,066;
- Construct Waste Transfer Station - HRRP - \$69,830;

- Sewer Line connection to Talloman - HRRP - \$56,279;
 - Purchase Information Technology & Communication Equipment – Councillors - \$54,663; and
 - Refurbish Plant - RHWMF - \$54,590.
- 37 Full Year Capital Expenditure has been forecast to be \$14,103,587 (48.91%) below the budget of \$28,834,724.
- 38 Significant reductions to capital budgets where savings have been achieved, or where project expenditure has been deferred due to delays and/or carried forward or not required include the following:
- Air Pollution Control Residue Facility and Plant (APCR) – RHWMF - \$3,927,815 (c/fwd);
 - Construct Class III Cell Stage 18 – RHWMF - \$2,150,000 (c/fwd);
 - Install Power Supply to Lots 8 9 & 10 – RHWMF - \$1,500,000 (c/fwd);
 - Purchase / Replace Plant – HRRP - \$1,199,749 (c/fwd);
 - Air Pollution Control Residue Facility (APCR) Plant & Equipment – RHWMF - \$1,074,000 (c/fwd);
 - Purchase Evaporators - Solar Generator – RHWMF - \$900,000 (c/fwd);
 - Construct Wood Waste to Energy Dry Char Storage Facility – HRRP - \$520,000;
 - Regional Waste Collection Project - Bulk Verge for Bassendean and Mundaring – HRRP - \$510,000;
 - Construct Leachate and Stormwaste Infrastructure and Siltation Ponds – RHWMF - \$475,000 (c/fwd);
 - Construct Access Road to Lots 8 9 10 – RHWMF - \$330,000 (c/fwd);
 - Purchase Wheel Wash – RHWMF - \$250,000;
 - Purchase Vehicles - Ascot Place (Electric Vehicles) - \$250,000;
 - Construct Roads / Carparks – RHWMF - \$250,000 (c/fwd);
 - Purchase Information Technology & Communication Equipment - \$237,000 (c/fwd);
 - Construct Waste Management Facility Buildings – RHWMF - \$220,000;
 - Construct Drainage Works to Lots 8 9 10 – RHWMF - \$213,969 (c/fwd);
 - Purchase Wood Waste to Energy Plant & Equipment – HRRP - \$200,000 (c/fwd);
 - Wood Waste to Energy Utilities/Infrastructure – HRRP - \$200,000 (c/fwd);
 - Implementation of the FOGO Recovery Strategy - \$196,822;
 - Purchase / Replace Minor Plant and Equipment – RHWMF - \$189,000;
 - Regional Waste Collection Project - Plant Purchases – HRRP - \$173,246;
 - Design and Construct Air Pollution Control Residue Facility (APCR) Monocell – RHWMF - \$150,000 (c/fwd);
 - Construct New Power Station – RHWMF - \$150,000 (c/fwd);
 - Wood Waste to Energy Plant - Fire Protection – HRRP - \$150,000 (c/fwd);
 - Purchase / Replace Vehicles – RHWMF - \$142,530 (c/fwd);
 - Construct Waste Transfer Station – HRRP - \$130,000;
 - Purchase Gas Analyser (Methane) – RHWMF - \$100,000;
 - Red Hill Project - Others/ Emergency - \$100,000;
 - Noise Barrier for Hammer Mill – HRRP - \$100,000 (c/fwd);
 - Develop Lots 8 9 & 10 For Future Waste Activities) – RHWMF - \$100,000 (c/fwd);

- Construct Drainage Diversion and Earthworks Infrastructures – RHWMF - \$100,000 (c/fwd); and
 - Construct Monitoring Bores – RHWMF - \$99,300 (c/fwd).
- 39 This is offset by an increase in the following Capital Expenditure budget provision (including new projects) following a review of the capital expenditure program:
- Construct Class III Cell Stage 17 – RHWMF - \$1,676,412;
- 40 At its meeting on 22 February 2024, Council approved additional budget funding for the construction of Stage 17 landfill cell. The full approved fund was not spent by the end of 2023/2024 and the remaining amount has been carried forward as an adjustment in 2024/2025 forecast.
- Purchase / Replace Plant – RHWMF - \$251,328;
- 41 The delivery of landfill compactor was delayed until 2024/2025 and the cost that was budgeted in 2023/2024 is required to be carried forward as an adjustment in 2024/2025 forecast.
- Gas Extraction System Wells – RHWMF - \$200,000;
- 42 The further funds are required due to the additional waste tonnages received at Red Hill. As a result, the cell has been completed earlier than expected which includes gas well installation.
- Construct Wheel Wash Bath – RHWMF - \$200,000;
- 43 The fund for Construct Wheel Wash Bath was budgeted under an account for Purchase Wheel Wash. However, once the installation was completed, the asset was reclassified as infrastructure.
- Purchase / Replace Other Equipment – RHWMF - \$139,000; and
- 44 The upgrade work to the electrical switch board of the main leachate pond was delayed until July 2024; therefore, the cost that was budgeted in 2023/2024 is required to be carried forward as an adjustment in 2024/2025 forecast.
- Sewer Line connection to Talloman – HRRP - \$120,000.
- 45 The remaining work for the sewer line connection has continued into 2024/2025 due to the delay from the supplier. Therefore, the cost that was budgeted in 2023/2024 is required to be carried forward as an adjustment in 2024/2025 forecast.

Statement of Financial Position (refer Attachment 3)

- 46 The Statement of Financial Position shows the overall impact of actual balances compared with budget provisions and end of year forecasts for operating and capital works activities.
- 47 Total Equity as at 31 March 2025 totals \$170,598,561. This is an increase of \$12,059,093 from the 30 June 2024 equity of \$158,539,468.
- 48 The increase is from the surplus result of \$7,276,700 from the Comprehensive Income Statement as at 31 March 2025 and an adjusted discount of \$4,782,393 from the valuation of the payout of equity shares.
- 49 It has been forecasted that Total Equity as at 30 June 2025 will be below the original budget of \$160,635,222 by \$5,080,065.

Statement of Cash and Investments (refer Attachment 4)

- 50 The level of cash and investments in the Municipal Fund as at 31 March 2025 is \$25,533,949 and Restricted Cash amount to \$48,562,839.

- 51 The net movement for the month is an increase of \$377,647.
- 52 It has been forecasted that Total Cash and Investment as at 30 June 2025 will be above the original budget of \$27,205,790 by \$22,894,626.

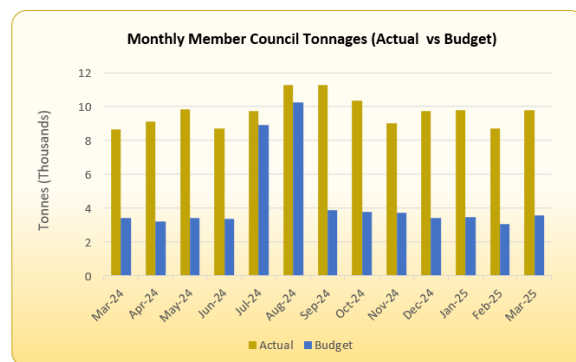
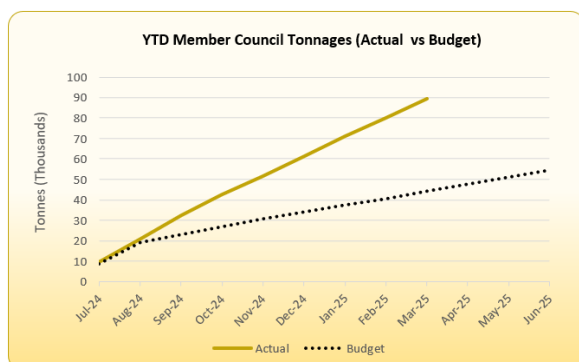
Statement of Financial Activity (refer Attachment 5)

- 53 The Statement of Financial Activity combines information from other report to include Operating Revenue and Expenditure, Capital Income and Expenditure, and transfers to and from reserves.
- 54 The explanation of material variances can be found in the paragraphs under the "Statement of Comprehensive Income - Nature and Type" section.

Investment Report (refer Attachment 6)

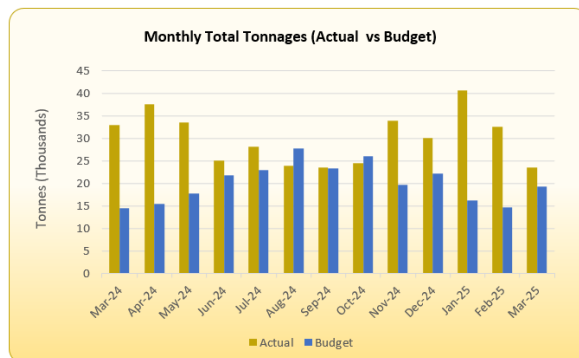
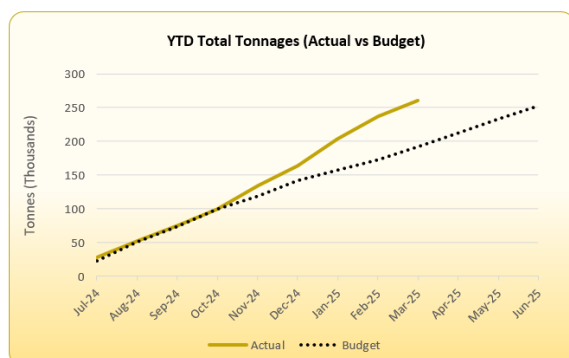
- 55 Term deposits valued at \$6,000,000 matured during March 2025 and the entire amount was reinvested into further term deposits.

Red Hill Tonnages - Member Councils



- 56 Tonnages received from Member Councils at Red Hill Waste Management Facility were 89,598 tonnes compared to the budget of 44,080 tonnes.
- 57 This compared with 79,746 tonnes in the previous corresponding period. The main variance is due to additional FOGO tonnages received from Shire of Mundaring and City of Swan.
- 58 The additional tonnages were also received from member Councils due to the delay in the East Rockingham Waste to Energy project.

Red Hill Tonnages – Total Tonnages



59 Total Red Hill tonnages received from all sources were 260,267 tonnes compared to the budget of 191,895 tonnes. The current percentage between commercial customers and member Council is 65.57% and 34.43% respectively.

60 Over the same period in 2023/2024 tonnages received from all sources totalled 265,743 tonnes.

STRATEGIC/POLICY IMPLICATIONS

61 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy.

FINANCIAL IMPLICATIONS

62 As outlined within the report and attachments.

SUSTAINABILITY IMPLICATIONS

63 Nil

RISK MANAGEMENT

Risk		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
<ul style="list-style-type: none"> ➤ The financial report is scrutinised by the EMRC Council to ensure that all statutory requirements are met. ➤ Internal Audit reviews to ensure compliance with Financial Regulations. ➤ External Audit confirms compliance. 		

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	Nil
City of Bayswater	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. Statement of Comprehensive Income by Nature and Type (D2025/08067)
2. Capital Expenditure Statement (D2025/08068)
3. Statement of Financial Position (D2025/08069)
4. Statement of Cash and Investments (D2025/08070)
5. Statement of Financial Activity (D2025/08071)
6. Investment Report (D2025/08072)



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council receives the Statement of Comprehensive Income, Capital Expenditure Statement, Statement of Financial Position, Statement of Cash and Investments, Statement of Financial Activity and the Investment Report for the period ended 31 March 2025.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

STATEMENT OF COMPREHENSIVE INCOME

Nature and Type

Year to Date			March 2025		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
Operating Income							
\$46,481,332	\$46,420,141	\$61,191 (F)	User Charges		\$58,945,349	\$61,982,317	(\$3,036,968) (U)
(\$18,370,563)	(\$15,081,680)	(\$3,288,883) (U)	<u>Less</u> Landfill Levy Charges		(\$24,438,138)	(\$19,191,980)	(\$5,246,158) (U)
\$28,110,769	\$31,338,461	(\$3,227,692) (U)	Net User Charges		\$34,507,211	\$42,790,337	(\$8,283,126) (U)
\$580,520	\$631,280	(\$50,760) (U)	Special Charges		\$703,200	\$833,406	(\$130,206) (U)
\$619,322	\$996,411	(\$377,089) (U)	Secondary Waste Charge		\$619,323	\$1,181,382	(\$562,059) (U)
\$83,104	\$88,726	(\$5,622) (U)	Contributions		\$83,128	\$88,726	(\$5,598) (U)
\$9,000	\$10,000	(\$1,000) (U)	Operating Grants		\$116,400	\$128,300	(\$11,900) (U)
\$1,404,296	\$121,914	\$1,282,382 (F)	Interest Municipal Cash Investments		\$1,644,580	\$162,568	\$1,482,012 (F)
\$1,584,179	\$988,047	\$596,132 (F)	Interest Restricted Cash Investments		\$2,045,492	\$1,317,456	\$728,036 (F)
\$1,640,250	\$1,540,044	\$100,206 (F)	Reimbursements		\$2,508,075	\$2,053,456	\$454,619 (F)
\$2,954,256	\$2,213,046	\$741,210 (F)	Other		\$4,330,218	\$4,050,005	\$280,213 (F)
\$140,591	\$157,244	(\$16,653) (U)	Proceeds from Sale of Assets		\$140,591	\$325,000	(\$184,409) (U)
\$37,126,287	\$38,085,173	(\$958,886) (U)	Total Operating Income		\$46,698,218	\$52,930,636	(\$6,232,418) (U)
Operating Expenditure							
\$10,924,826	\$12,266,600	\$1,341,774 (F)	Salary Expenses		\$14,869,914	\$16,790,286	\$1,920,372 (F)
\$7,350,422	\$8,566,819	\$1,216,397 (F)	Contract Expenses		\$11,729,361	\$11,497,412	(\$231,949) (U)
\$1,129,233	\$1,524,666	\$395,433 (F)	Material Expenses		\$1,931,219	\$2,064,709	\$133,490 (F)
\$344,795	\$376,500	\$31,705 (F)	Utility Expenses		\$535,884	\$514,621	(\$21,263) (U)
\$1,215,045	\$1,486,656	\$271,611 (F)	Fuel Expenses		\$1,988,560	\$1,989,418	\$858 (F)
\$0	\$0	\$0 (F)	Interest Expenses		\$280,254	\$0	(\$280,254) (U)
\$575,952	\$455,715	(\$120,237) (U)	Insurance Expenses		\$849,678	\$610,639	(\$239,039) (U)
\$4,587,884	\$4,096,674	(\$491,210) (U)	Depreciation Expenses		\$5,825,271	\$5,462,583	(\$362,688) (U)
\$1,021,957	\$2,225,251	\$1,203,294 (F)	Miscellaneous Expenses		\$1,775,194	\$11,180,783	\$9,405,589 (F)
\$2,469,919	\$437,814	(\$2,032,105) (U)	Provision Expenses		\$2,404,634	\$617,260	(\$1,787,374) (U)
(\$845)	(\$785)	\$60 (F)	Costs Allocated		\$0	\$0	\$0 (F)
\$230,399	\$220,011	(\$10,388) (U)	Carrying Amount of Assets Disposed Of		\$180,615	\$251,761	\$71,146 (F)
\$29,849,587	\$31,655,921	\$1,806,334 (F)	Total Operating Expenditure		\$42,370,584	\$50,979,472	\$8,608,888 (F)
\$7,276,700	\$6,429,252	\$847,448 (F)	NET RESULT BEFORE OTHER COMPREHENSIVE INCOME		\$4,327,634	\$1,951,164	\$2,376,470 (F)
Surplus	Surplus				Surplus	Surplus	
Other Comprehensive Income							
\$0	\$0	\$0 (F)	Revaluation of Assets/Accumulated Depreciation Reversal		(\$12,238,929)	\$0	(\$12,238,929) (U)
\$0	\$0	\$0 (F)	Total Other Comprehensive Income		(\$12,238,929)	\$0	(\$12,238,929) (U)
\$7,276,700	\$6,429,252	\$847,448 (F)	CHANGE IN NET ASSETS FROM OPERATIONS		(\$7,911,295)	\$1,951,164	(\$9,862,459) (U)
Surplus	Surplus				Deficit	Surplus	

Notes:

1. User Charges - include member Councils and casual users pertaining to waste, risk management and environmental services fees and charges;
2. Special Charges - Waste Education Levy;
3. Contributions - member Councils' contributions to projects and services;
4. Operating Grants - grant income predominantly from government agencies; and
5. Other Operating Income - includes income from the sale of products;

(F) denotes Favourable variance and (U) denotes Unfavourable variance



CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
CEO's Team							
\$55,663	\$56,250	\$587	\$0	Purchase Information Technology & Communication Equipment - Councillors (24550/01)	\$60,000	\$75,000	\$15,000
\$55,663	\$56,250	\$587	\$0		\$60,000	\$75,000	\$15,000



CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Business Support							
\$15,429	\$40,194	\$24,765	\$0	Extend Ascot PV & EV Charging (24399/28)	\$15,430	\$53,603	\$38,173
\$110,066	\$101,997	(\$8,069)	\$0	Purchase Vehicles - Ascot Place (24440/00)	\$110,067	\$136,000	\$25,933
\$0	\$187,497	\$187,497	\$0	Purchase Vehicles - Ascot Place (Electric Vehicles) (24440/01)	\$0	\$250,000	\$250,000
\$0	\$7,497	\$7,497	\$0	Purchase Furniture Fittings & Equipment - Corporate Services (24510/01)	\$5,000	\$10,000	\$5,000
\$0	\$293,994	\$293,994	\$0	Purchase Information Technology & Communication Equipment (24550/00)	\$155,000	\$392,000	\$237,000
\$0	\$14,994	\$14,994	\$0	Capital Improvement Administration Building - Ascot Place (25240/01)	\$20,000	\$20,000	\$0
\$0	\$3,861	\$3,861	\$0	Upgrade Security Equipment - Ascot Place (25530/01)	\$5,150	\$5,150	\$0
\$125,495	\$650,034	\$524,539	\$0		\$310,647	\$866,753	\$556,106



CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Operations Team							
\$0	\$187,497	\$187,497	\$0	Construct Waste Management Facility Buildings - Red Hill Landfill Facility (24250/01)	\$30,000	\$250,000	\$220,000
\$453,295	\$982,710	\$529,415	\$598,687	Construct Wood Waste to Energy Building - HRRP (24259/05)	\$894,300	\$1,310,291	\$415,991
\$0	\$22,500	\$22,500	\$0	Construct Community Recycling Centre (CRC) - HRRP (24259/06)	\$0	\$30,000	\$30,000
\$69,830	\$225,000	\$155,170	\$42,874	Construct Waste Transfer Station - HRRP (24259/10)	\$170,000	\$300,000	\$130,000
\$0	\$7,497	\$7,497	\$0	Construct Weighbridge Office - Hazelmere (24259/12)	\$0	\$10,000	\$10,000
\$5,274	\$0	(\$5,274)	\$0	Construct Site Workshop - Hazelmere (24259/13)	\$5,275	\$0	(\$5,275)
\$0	\$74,997	\$74,997	\$0	Upgrade Power Supply to Workshop No 2 - Red Hill Landfill Facility (24259/15)	\$100,000	\$100,000	\$0
(\$236)	\$1,125,000	\$1,125,236	\$12,000	Install Power Supply to Lots 8 9 & 10 - Red Hill Landfill Facility (24259/16)	\$0	\$1,500,000	\$1,500,000
\$0	\$0	\$0	\$0	Construct Wood Waste to Energy Building (Commissioning) - HRRP (24259/18)	\$0	\$0	\$0
\$0	\$389,997	\$389,997	\$0	Construct Wood Waste to Energy Dry Char Storage Facility - HRRP (24259/19)	\$0	\$520,000	\$520,000
(\$39,400)	\$0	\$39,400	\$0	Construct Wood Waste to Energy Bucket Extension - HRRP (24259/20)	\$0	\$0	\$0
\$0	\$225,000	\$225,000	\$0	Wood Waste to Energy Plant - Fire Protection - HRRP (24259/22)	\$150,000	\$300,000	\$150,000
\$0	\$112,500	\$112,500	\$0	Construct New Power Station - Redhill Landfill Facility (24259/23)	\$0	\$150,000	\$150,000



CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
Operations Team							
\$1,624,785	\$0	(\$1,624,785)	\$75,290	Construct Class III Cell Stage 17 - Red Hill Landfill Facility (24310/21)	\$1,676,412	\$0	(\$1,676,412)
\$354,814	\$4,237,497	\$3,882,683	\$4,032,008	Construct Class III Cell Stage 18 - Red Hill Landfill Facility (24310/22)	\$3,500,000	\$5,650,000	\$2,150,000
\$0	\$0	\$0	\$0	Construct Class III Cell Stage 19 - Red Hill Landfill Facility (24310/23)	\$50,000	\$0	(\$50,000)
\$0	\$0	\$0	\$0	Construct Class III Cell Stage 20 - Red Hill Landfill Facility (24310/24)	\$50,000	\$0	(\$50,000)
\$0	\$74,997	\$74,997	\$0	Design and Construct Class IV Cell Stage 2 - Red Hill Landfill Facility (24330/04)	\$100,000	\$100,000	\$0
\$52,778	\$112,500	\$59,723	\$660	Design and Construct Class IV Cell Stage 3 - Red Hill Landfill Facility (24330/05)	\$150,000	\$150,000	\$0
\$0	\$356,247	\$356,247	\$0	Construct Leachate and Stormwaste Infrastructure and Siltation Ponds - Red Hill Landfill Facility (24350/01)	\$0	\$475,000	\$475,000
\$218	\$0	(\$218)	\$0	Leachate Pond Deepening - Red Hill Landfill Facility (24350/02)	\$218	\$0	(\$218)
\$0	\$187,497	\$187,497	\$0	Construct Roads / Carparks - Red Hill Landfill Facility (24370/00)	\$0	\$250,000	\$250,000
\$0	\$247,500	\$247,500	\$0	Construct Access Road to Lots 8 9 10 - Red Hill Landfill Facility (24370/02)	\$0	\$330,000	\$330,000
\$0	\$74,997	\$74,997	\$0	Construct Drainage Diversion and Earthworks Infrastructures - Red Hill Landfill Facility (24380/00)	\$0	\$100,000	\$100,000
\$17,030	\$164,988	\$147,958	\$2,470	Construct Drainage Works to Lots 8 9 10 - Red Hill Landfill Facility (24380/01)	\$6,031	\$220,000	\$213,969
\$18,466	\$22,500	\$4,034	\$0	Construct Litter Fence - Redhill Landfill Facility (24394/05)	\$30,000	\$30,000	\$0

CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Operations Team							
\$9,550	\$577,494	\$567,944	\$0	Construct FOGO Processing Area - Red Hill Landfill Facility (24395/05)	\$770,000	\$770,000	\$0
\$0	\$29,988	\$29,988	\$0	Undertake FOGO Reference Site Tours (24395/06)	\$0	\$40,000	\$40,000
\$3,628	\$157,491	\$153,863	\$917	Implementation of the FOGO Recovery Strategy (24395/07)	\$13,178	\$210,000	\$196,822
\$167,172	\$190,575	\$23,403	\$0	FOGO Picking Station - Red Hill Landfill Facility (24395/11)	\$254,105	\$254,105	\$0
\$700	\$74,997	\$74,297	\$0	Construct Monitoring Bores - Red Hill Landfill Facility (24396/00)	\$700	\$100,000	\$99,300
\$54,200	\$74,997	\$20,797	\$3,860	Project & Engineering Hazelmere - Construct Other (24399/03)	\$75,000	\$100,000	\$25,000
\$0	\$37,494	\$37,494	\$65,934	Construct Storage Bunkers for Wood Fines (QA process) - Hazelmere (24399/09)	\$50,000	\$50,000	\$0
\$33,448	\$149,994	\$116,546	\$0	Air Supply lines - Waste Management Structures - Red Hill Landfill Facility (24399/10)	\$200,000	\$200,000	\$0
\$281,958	\$450,000	\$168,042	\$0	Wood Waste to Energy Utilities/Infrastructure - HRRP (24399/11)	\$400,000	\$600,000	\$200,000
\$0	\$74,997	\$74,997	\$0	Develop Lots 8 9 & 10 For Future Waste Activities - Red Hill Landfill Facility (24399/19)	\$0	\$100,000	\$100,000
\$0	\$374,994	\$374,994	\$721,089	Gas Extraction System Wells - Red Hill Landfill Facility (24399/20)	\$700,000	\$500,000	(\$200,000)
\$0	\$2,945,853	\$2,945,853	\$0	Air Pollution Control Residue Facility (APCR) - Red Hill Landfill Facility (24399/21)	\$0	\$3,927,815	\$3,927,815
\$0	\$74,997	\$74,997	\$0	Noise Barrier for Hammer Mill - HRRP (24399/26)	\$0	\$100,000	\$100,000
\$56,279	\$0	(\$56,279)	\$0	Sewer Line connection to Talloman - HRRP (24399/30)	\$120,000	\$0	(\$120,000)

CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Operations Team							
\$0	\$74,997	\$74,997	\$0	Red Hill Project - Others/ Emergency (24399/31)	\$0	\$100,000	\$100,000
\$0	\$112,500	\$112,500	\$0	Design and Construct Air Pollution Control Residue Facility (APCR) Monocell - Red Hill Landfill Faci (24399/32)	\$0	\$150,000	\$150,000
\$144,869	\$0	(\$144,869)	\$0	Construct Wheel wash Bath - Red Hill Landfill Facility (24399/33)	\$200,000	\$0	(\$200,000)
\$1,951,327	\$1,274,994	(\$676,333)	\$0	Purchase / Replace Plant - Red Hill Landfill Facility (24410/00)	\$1,951,328	\$1,700,000	(\$251,328)
\$418,219	\$1,777,320	\$1,359,101	\$279,771	Purchase / Replace Plant - Hazelmere (24410/01)	\$1,170,011	\$2,369,760	\$1,199,749
\$40,834	\$247,500	\$206,666	\$0	Purchase Wood Waste to Energy Plant & Equipment - HRRP (24410/03)	\$130,000	\$330,000	\$200,000
\$147,541	\$254,997	\$107,457	\$287,857	Purchase FOGO Processing Plant - Red Hill Landfill Facility (24410/10)	\$420,458	\$340,000	(\$80,458)
\$6,754	\$135,000	\$128,246	\$0	Regional Waste Collection Project - Plant Purchases (24410/14)	\$6,754	\$180,000	\$173,246
\$0	\$805,500	\$805,500	\$0	Air Pollution Control Residue Facility (APCR) Plant & Equipment - Red Hill Landfill Facility (24410/15)	\$0	\$1,074,000	\$1,074,000
\$0	\$382,491	\$382,491	\$0	Regional Waste Collection Project - Bulk Verge for Bassendean and Mundaring (24410/16)	\$0	\$510,000	\$510,000
\$41,506	\$256,500	\$214,994	\$0	Purchase / Replace Minor Plant and Equipment-Red Hill Landfill Facility (24420/00)	\$153,000	\$342,000	\$189,000
\$23,233	\$25,497	\$2,264	\$0	Purchase / Replace Minor Plant and Equipment - Hazelmere (24420/02)	\$117,000	\$34,000	(\$83,000)
\$0	\$187,497	\$187,497	\$0	Purchase Wheel Wash - Red Hill Landfill Facility (24420/08)	\$0	\$250,000	\$250,000



CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Operations Team							
\$146,466	\$216,747	\$70,281	\$0	Purchase / Replace Vehicles - Red Hill Landfill Facility (24430/00)	\$146,470	\$289,000	\$142,530
\$0	\$7,497	\$7,497	\$0	Purchase Fire Fighting System/Equipment - Hazelmere (24520/07)	\$0	\$10,000	\$10,000
\$0	\$45,000	\$45,000	\$0	Purchase / Replace Security System - Red Hill Waste Management Facility (24530/08)	\$60,000	\$60,000	\$0
\$26,464	\$0	(\$26,464)	\$0	Purchase / Replace Security System - Hazelmere (24530/10)	\$0	\$0	\$0
\$0	\$4,500	\$4,500	\$0	Purchase Information Technology & Communication Equipment - Projects (24550/02)	\$0	\$6,000	\$6,000
(\$5,274)	\$25,497	\$30,771	\$0	Purchase Information Technology & Communication Equipment - Hazelmere (24550/03)	\$0	\$34,000	\$34,000
\$0	\$4,500	\$4,500	\$0	Purchase Information Technology & Communication Equipment - Red Hill Admin (24550/05)	\$0	\$6,000	\$6,000
\$0	\$4,500	\$4,500	\$0	Purchase Information Technology & Communication Equipment - Red Hill Weighbridge (24550/06)	\$0	\$6,000	\$6,000
\$215,807	\$74,997	(\$140,810)	\$0	Purchase / Replace Other Equipment - Red Hill Landfill Facility (24590/00)	\$239,000	\$100,000	(\$139,000)
\$8,250	\$7,497	(\$753)	\$0	Purchase / Replace Miscellaneous Equipment - Hazelmere (24590/02)	\$18,250	\$10,000	(\$8,250)
\$0	\$749,997	\$749,997	\$0	Purchase Evaporators - Solar Generator - Red Hill Landfill Facility (24590/12)	\$100,000	\$1,000,000	\$900,000



CAPITAL EXPENDITURE STATEMENT

MARCH 2025

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Operations Team							
\$0	\$74,997	\$74,997	\$0	Purchase Gas Analyser (Methane) - Redhill Landfill Facility (24590/13)	\$0	\$100,000	\$100,000
\$0	\$3,744	\$3,744	\$0	Purchase Office Furniture and Fittings - Hazelmere Office (24610/10)	\$0	\$5,000	\$5,000
\$0	\$7,497	\$7,497	\$0	Purchase Furniture and Fittings - Hazelmere Workshop (24610/11)	\$0	\$10,000	\$10,000
\$54,590	\$112,500	\$57,910	\$98,412	Refurbish Plant - Red Hill Landfill Facility (25410/00)	\$153,000	\$150,000	(\$3,000)
\$6,384,374	\$20,919,555	\$14,535,181	\$6,221,828		\$14,360,490	\$27,892,971	\$13,532,481
\$6,565,532	\$21,625,839	\$15,060,307	\$6,221,828	TOTAL CAPITAL EXPENDITURE	\$14,731,137	\$28,834,724	\$14,103,587



STATEMENT OF FINANCIAL POSITION

MARCH 2025

Actual June 2024	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year		
			Forecast	Budget	Variance
Current Assets					
\$27,350,538	\$2,096,788	Cash and Cash Equivalents	\$2,102,606	\$1,186,472	\$916,134 (F)
\$60,500,000	\$72,000,000	Investments	\$47,997,810	\$26,019,318	\$21,978,492 (F)
\$6,249,406	\$5,122,048	Trade and Other Receivables	\$2,988,058	\$2,988,058	\$0 (F)
\$133,919	\$140,820	Inventories	\$39,035	\$39,035	\$0 (F)
\$37,493	\$214,401	Other Assets	\$67,382	\$67,382	\$0 (F)
\$94,271,356	\$79,574,057	Total Current Assets	\$53,194,891	\$30,300,265	\$22,894,626 (F)
Current Liabilities					
\$19,582,923	\$10,121,277	Trade and Other Payables	\$6,201,968	\$6,201,968	\$0 (F)
\$21,000,517	\$33,701,312	Provisions*	\$34,405,634	\$2,009,781	(\$32,395,853) (U)
\$40,583,440	\$43,822,589	Total Current Liabilities	\$40,607,602	\$8,211,749	(\$32,395,853) (U)
\$53,687,916	\$35,751,468	Net Current Assets	\$12,587,289	\$22,088,516	(\$9,501,227) (U)
Non Current Assets					
\$47,850,257	\$47,850,257	Land	\$47,850,257	\$47,850,257	\$0 (F)
\$20,492,681	\$20,317,295	Buildings	\$31,413,070	\$34,189,308	(\$2,776,238) (U)
\$18,468,960	\$28,170,237	Structures	\$49,098,138	\$51,020,474	(\$1,922,336) (U)
\$15,494,923	\$15,442,574	Plant	\$23,434,576	\$26,422,357	(\$2,987,781) (U)
\$461,077	\$1,099,889	Equipment	\$2,946,283	\$3,935,059	(\$988,776) (U)
\$150,905	\$133,305	Furniture and Fittings	\$223,156	\$217,802	\$5,354 (F)
\$38,867,973	\$30,520,464	Work in Progress	\$11,811,411	\$17,536,763	(\$5,725,352) (U)
\$141,786,776	\$143,534,021	Total Non Current Assets	\$166,776,891	\$181,172,020	(\$14,395,129) (U)
Non Current Liabilities					
\$36,935,224	\$8,686,928	Provisions	\$23,809,023	\$42,625,314	\$18,816,291 (F)
\$36,935,224	\$8,686,928	Total Non Current Liabilities	\$23,809,023	\$42,625,314	\$18,816,291 (F)
\$158,539,468	\$170,598,561	Net Assets	\$155,555,157	\$160,635,222	(\$5,080,065) (U)
Equity					
\$58,805,378	\$80,171,711	Accumulated Surplus/Deficit	\$83,943,926	\$96,902,208	(\$12,958,282) (U)
\$37,597,986	\$37,597,986	Asset Revaluation Reserve	\$34,374,026	\$37,145,634	(\$2,771,608) (U)
\$45,552,164	\$45,552,164	Cash Backed Reserves	\$32,909,571	\$24,636,216	\$8,273,355 (F)
\$16,583,940	\$7,276,700	Net change in assets from operations	\$4,327,634	\$1,951,164	\$2,376,470 (F)
\$158,539,468	\$170,598,561	Total Equity	\$155,555,157	\$160,635,222	(\$5,080,065) (U)

*Current Liabilities - Provisions include City of Kalamunda Payput Provision of \$31,717,882

CASH AND INVESTMENTS

MARCH 2025

Actual June 2024	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year			
			Forecast	Budget	Variance	
Municipal Cash and Investments						
3,346,488	2,092,938	Cash at Bank - Municipal Fund 01001/00	1,653,228	737,094	916,134	(F)
4,050	3,850	Cash on Hand 01019/00 - 02	4,050	4,050	0	(F)
38,947,836	23,437,161	Investments - Municipal Fund 02021/00	15,533,567	1,182,422	14,351,145	(F)
42,298,374	25,533,949	Total Municipal Cash	17,190,845	1,923,566	15,267,279	(F)
Restricted Cash and Investments						
1,288,995	1,186,371	Restricted Investments - Plant and Equipment 02022/01	85,667	222,157	(136,490)	(U)
4,462,212	4,753,553	Restricted Investments - Post Closure Site Rehabilitation Red Hill 02022/02	4,519,723	4,282,467	237,256	(F)
6,682,929	6,847,691	Restricted Investments - Future Development 02022/03	3,166,304	735,590	2,430,714	(F)
2,065,084	2,199,915	Restricted Investments - Environmental Monitoring Red Hill 02022/04	2,095,557	1,985,756	109,801	(F)
4,573,220	5,471,047	Restricted Investments - Class IV Cells Red Hill 02022/07	848,974	463,756	385,218	(F)
10,312,670	6,482,481	Restricted Investments - Secondary Waste Processing 02022/09	1,541,952	8,810,577	(7,268,625)	(U)
1,208,713	300,726	Restricted Investments - Class III Cells 02022/10	1,854,648	2,152,501	(297,853)	(U)
5,762,984	6,139,255	Restricted Investments - EastLink Relocation 02022/13	1,187,712	4,864,418	(3,676,706)	(U)
8,036,861	8,165,605	Restricted Investments - Committed Funds 02022/14	10,544,468	544,468	10,000,000	(F)
0	5,782,061	Restricted Investments - Equity Reserve 02022/15	5,782,061	0	5,782,061	(F)
1,158,496	1,234,134	Restricted Investments - Long Service Leave 02022/90	1,282,505	1,220,534	61,971	(F)
45,552,164	48,562,839	Total Restricted Cash	32,909,571	25,282,224	7,627,347	(F)
87,850,538	74,096,788	TOTAL CASH AND INVESTMENTS	50,100,416	27,205,790	22,894,626	(F)

The Cash at Bank - Municipal Fund represents the balance on the last day of the relevant month. Any portion of the balance available for investment is transferred into the Investment - Municipal Fund account in the following period. Funds held in the Cash at Bank - Municipal Fund continue to accrue interest as per the Westpac commercial rates.



STATEMENT OF FINANCIAL ACTIVITY

March 2025

Year to Date				Full Year			
Actual	Budget	Variance			Forecast	Budget	Variance
(F) = Favourable variation (U) = Unfavourable variation							
OPERATING ACTIVITIES							
Revenue from operating activities							
\$47,681,174	\$48,047,832	(\$366,658)	(U)	Fees and charges	\$60,267,872	\$63,997,105	(\$3,729,233) (U)
\$1,732,354	\$1,638,770	\$93,584	(F)	Grants, subsidies and contributions	\$2,707,603	\$2,270,482	\$437,121 (F)
\$2,988,475	\$1,109,961	\$1,878,514	(F)	Interest revenue	\$3,690,072	\$1,480,024	\$2,210,048 (F)
\$2,954,256	\$2,213,046	\$741,210	(F)	Other revenue	\$4,330,218	\$4,050,005	\$280,213 (F)
\$140,591	\$157,244	(\$16,653)	(U)	Profit on asset disposals	\$0	\$73,239	(\$73,239) (U)
\$55,496,850	\$53,166,853	\$2,329,997	(F)		\$70,995,765	\$71,870,855	(\$875,090) (U)
Expenditure from operating activities							
(\$10,924,826)	(\$12,266,600)	\$1,341,774	(F)	Employee costs	(\$14,869,914)	(\$16,790,286)	\$1,920,372 (F)
(\$8,479,655)	(\$10,091,485)	\$1,611,830	(F)	Materials and contracts	(\$13,660,580)	(\$13,562,121)	(\$98,459) (U)
(\$344,795)	(\$376,500)	\$31,705	(F)	Utility charges	(\$535,884)	(\$514,621)	(\$21,263) (U)
(\$4,587,884)	(\$4,096,674)	(\$491,210)	(U)	Depreciation	(\$5,825,271)	(\$5,462,583)	(\$362,688) (U)
\$0	\$0	\$0	(F)	Finance costs	(\$280,254)	\$0	(\$280,254) (U)
(\$575,952)	(\$455,715)	(\$120,237)	(U)	Insurance	(\$849,678)	(\$610,639)	(\$239,039) (U)
(\$23,076,639)	(\$19,230,616)	(\$3,846,023)	(U)	Other expenditure	(\$30,606,526)	(\$32,979,441)	\$2,372,915 (F)
(\$230,399)	(\$220,011)	(\$10,388)	(U)	Loss on asset disposals	(\$40,024)	\$0	(\$40,024) (U)
(\$48,220,150)	(\$46,737,601)	(\$4,467,858)	(U)		(\$66,668,131)	(\$69,919,691)	\$1,450,910 (F)
\$7,147,617	(\$332,720)	\$7,480,337	(F)	Non-cash amounts excluded from operating activities	(\$14,064,919)	\$6,006,604	(\$20,071,523) (U)
\$14,424,317	\$6,096,532	\$5,342,476	(F)	Amount attributable to operating activities	(\$9,737,285)	\$7,957,768	(\$19,495,703) (U)
INVESTING ACTIVITIES							
Inflows from investing activities							
\$140,591	\$157,244	(\$16,653)	(U)	Proceeds from disposal of assets	\$140,591	\$325,000	(\$184,409) (U)
\$140,591	\$157,244	(\$16,653)	(U)		\$140,591	\$325,000	(\$184,409) (U)
Outflows from investing activities							
(\$3,675,619)	(\$10,705,608)	\$7,029,989	(F)	Purchase of property, plant and equipment	(\$8,330,324)	(\$14,274,201)	\$5,943,877 (F)
(\$2,889,913)	(\$10,920,366)	\$8,030,453	(F)	Purchase and construction of infrastructure	(\$12,126,165)	(\$14,560,523)	\$2,434,358 (F)
(\$6,565,532)	(\$21,625,974)	\$15,060,442	(F)		(\$20,456,489)	(\$28,834,724)	\$8,378,235 (F)
(\$6,424,941)	(\$21,468,730)	\$15,043,789	(F)	Amount attributable to investing activities	(\$20,315,898)	(\$28,509,724)	\$8,193,826 (F)
FINANCING ACTIVITIES							
Inflows from financing activities							
\$41,555,765	\$7,320,735	\$34,235,030	(F)	Transfers from reserve accounts	\$18,644,153	\$9,761,029	\$8,883,124 (F)
\$41,555,765	\$7,320,735	\$34,235,030	(F)		\$18,644,153	\$9,761,029	\$8,883,124 (F)
Outflows from financing activities							
(\$44,566,441)	(\$3,563,172)	(\$41,003,269)	(U)	Transfers to reserve accounts	(\$21,261,458)	(\$4,750,987)	(\$16,510,471) (U)
(\$44,566,441)	(\$3,563,172)	(\$41,003,269)	(U)		(\$21,261,458)	(\$4,750,987)	(\$16,510,471) (U)
(\$3,010,676)	\$3,757,563	(\$6,768,239)	(U)	Amount attributable to financing activities	(\$2,617,305)	\$5,010,042	(\$7,627,347) (U)
MOVEMENT IN SURPLUS OR DEFICIT							
\$8,135,751	\$12,348,206	(\$4,212,455)	(U)	Surplus or deficit at the start of the financial year	\$12,348,206	\$12,348,206	\$0 (F)
\$14,424,317	\$6,096,532	\$8,327,785	(F)	Amount attributable to operating activities	(\$9,737,285)	\$7,957,768	(\$17,695,053) (U)
(\$6,424,941)	(\$21,468,730)	\$15,043,789	(F)	Amount attributable to investing activities	(\$20,315,898)	(\$28,509,724)	\$8,193,826 (F)
(\$3,010,676)	\$3,757,563	(\$6,768,239)	(U)	Amount attributable to financing activities	(\$2,617,305)	\$5,010,042	(\$7,627,347) (U)
\$13,124,450	\$733,571	\$12,390,879	(F)	Surplus or deficit after imposition of general rates	(\$20,322,282)	(\$3,193,708)	(\$17,128,574) (U)

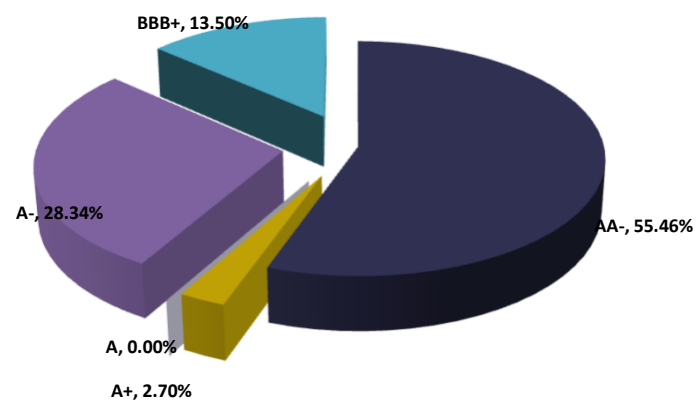
EMRC Investment Report

March 2025

I. Overall Portfolio Limits

S&P Long Term Rating	% Portfolio	Investment Maximum %
AA-	55.46%	100.00%
A+	2.70%	100.00%
A	0.00%	100.00%
A-	28.34%	100.00%
BBB+	13.50%	40.00%
	<u>100.00%</u>	

Investment by S&P Rating



II. Single Entity Exposure

	S&P Long Term Rating	% Portfolio	
ANZ Banking Group	AA-	0.00%	
AMP	BBB+	13.50%	*
NAB	AA-	18.90%	
Westpac / St. George Bank	AA-	36.56%	
Suncorp	A+	2.70%	*
BOQ / ME Bank	A-	23.62%	*
Bendigo	A-	4.72%	*
		<u>100.00%</u>	

* Non-Fossil Fuel ADI (Authorised Deposit Taking Institution)

III. Term to Maturity Framework

Investment Policy Guidelines			
Maturity Profile	% Portfolio	% Min	% Max
Less Than 1 Year	100.00%	40%	100%
Greater than 1 year & less than or equal to 3 years	0.00%	0%	60%
	<u>100.00%</u>		

IV. Fossil Fuel Divestment

	% Portfolio
Non-Fossil Fuel ADI's	44.54%
Fossil Fuel ADI's	55.46%
	<u>100.00%</u>

6.3 REVIEW OF COUNCIL POLICIES

D2025/06263

PURPOSE OF REPORT

The purpose of this report is to review four of the EMRC's policies to ensure responsible and accountable governance and management of the EMRC.

KEY POINT(S)

- The following policies are tabled for Council's review and adoption:
 - ⇒ Council Policy 1.5 – Meeting Agenda/Minutes – Confidential Items;
 - ⇒ Council Policy 1.7 – Legal Representation Costs Indemnification;
 - ⇒ Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council; and
 - ⇒ Council Policy 2.3 – Councillor Training and Continuous Professional Development.
- It is proposed that existing policies, as revised, be adopted.

RECOMMENDATION(S)

That:

1. Council adopts the Council Policy 1.5 – Meeting Agenda/Minutes – Confidential Items as reviewed and amended forming Attachment 3 to this report.
2. Council adopts the Council Policy 1.7 – Legal Representation Costs Indemnification as reviewed and amended forming Attachment 5 to this report.
3. Council adopts the Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council as reviewed and amended forming Attachment 7 to this report.
4. Council adopts the Council Policy 2.3 – Councillor Training and Continuous Professional Development as reviewed and amended forming Attachment 9 to this report.
5. The adopted policies, as reviewed and amended be scheduled to be reviewed again in four years.

SOURCE OF REPORT

Employee Disclosure under s.5.70 of the *Local Government Act 1995*:

Author(s)	Chief Financial Officer	Nil
Responsible Officer	Chief Financial Officer	Nil

BACKGROUND

- 1 Council Policy 1.5 – Meeting Agenda/Minutes – Confidential Items was last fully reviewed at the meeting of Council held on 23 June 2022.
- 2 Council Policy 1.7 – Legal Representation Costs Indemnification was last fully reviewed at the meeting of Council held on 23 June 2022.
- 3 Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council was last fully reviewed at the meeting of Council held on 23 June 2022.
- 4 Council Policy 2.3 – Councillor Training and Continuous Professional Development was last fully reviewed at the meeting of Council held on 24 February 2022.

REPORT

- 5 The policies of the EMRC, determined by Council as required by Section 2.7(2)(b) of the *Local Government Act 1995* (the Act), guide and inform management and the public about key Council policies and procedures.
- 6 Thus, it is important that policies are reviewed periodically and amended where necessary.
- 7 EMRC's Executive Leadership Team, together with relevant Officers, have undertaken a comprehensive review of four policies. The following objectives were used as a basis for undertaking the review:
 - ⇒ To ensure policies met the definition of a *policy*;
 - ⇒ To incorporate in the policies appropriate amendments to account for changes due to legislative changes (if any) or details such as dates, times and values since the last review; and
 - ⇒ To ensure the policies are contemporary and appropriate for the Council.
- 8 The four policies have been reviewed and the changes are tabled here for Council's consideration.
- 9 The main types of considerations for this review are as follows:
 - ⇒ Maintain the current policy without amendment;
 - ⇒ Maintain the policy with amendments; and
 - ⇒ Delete the policy if it is no longer required, for example if these are covered under the *Local Government Act 1995* and regulations or has been incorporated into another policy.
- 10 A summary of the proposed changes to the Council policies are provided in Attachment 1 of this report.
- 11 The proposed changes are tracked and provided in Attachment 2, 4, 6 and 8 of this report.
- 12 All the changes for the Council Policies are minor updates only.
- 13 No significant changes have been made to the policies.
- 14 A clean copy of the final draft of the revised three policies are tabled for Council's consideration for adoption, forming Attachment 3, 5, 7 and 9 of this report.
- 15 Consistent with previous Council instructions to review Policy every four years, all the policies will be reviewed progressively during a four-year cycle.

STRATEGIC/POLICY IMPLICATIONS

- 16 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy:

FINANCIAL IMPLICATIONS

- 17 Nil

SUSTAINABILITY IMPLICATIONS

- 18 The policies under review contribute to sustainability by informing management and the public about key Council policies and procedures.

RISK MANAGEMENT

Risk – Non-Compliance with Local Government Act and Regulations		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council to adopt the revised Council Policies 1.5, 1.7, 1.12 and 2.3		

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	Nil
City of Bayswater	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

- Summary of Four EMRC Policies and Recommended Changes (D2025/08687)
- Council Policy 1.5 Meeting Agenda/Minutes – Confidential Items with tracked changes to the documents (D2025/08679)
- Council Policy 1.5 - Meeting Agenda/Minutes – Confidential Items incorporating changes made i.e. final Policy document (D2025/08680)
- Council Policy 1.7 - Legal Representation Costs Indemnification with tracked changes to the documents (D2025/08681)
- Council Policy 1.7 - Legal Representation Costs Indemnification incorporating changes made i.e. final Policy document (D2025/08682)
- Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council with tracked changes to the documents (D2025/008683)
- Council Policy 1.12 - Personal Protective Equipment (PPE) Costs Incurred by Council incorporating changes made i.e. final Policy document (D2025/08684)

8. Council Policy 2.3 - Councillor Training and Continuous Professional Development with tracked changes to the documents (D2025/08685)
9. Council Policy 2.3 - Councillor Training and Continuous Professional Development incorporating changes made i.e. final Policy document (D2025/08686)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Council adopts the Council Policy 1.5 – Meeting Agenda/Minutes – Confidential Items as reviewed and amended forming Attachment 3 to this report.
2. Council adopts the Council Policy 1.7 – Legal Representation Costs Indemnification as reviewed and amended forming Attachment 5 to this report.
3. Council adopts the Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council as reviewed and amended forming Attachment 7 to this report.
4. Council adopts the Council Policy 2.3 – Councillor Training and Continuous Professional Development as reviewed and amended forming Attachment 9 to this report.
5. The adopted policies, as reviewed and amended be scheduled to be reviewed again in four years.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Summary of EMRC Policies and Recommended Changes

1. Management Policies

No:	Policy Title	Summary of Changes
1.5	Meeting Agenda / Minutes – Confidential Items	Keep with minor amendments including: <ul style="list-style-type: none"> ➤ Updated Strategic Plan Objective in line with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives. ➤ Updated to refer to the new <i>EMRC Meeting Procedures Local Law 2023</i>. ➤ <i>Updated Policy Statement to include references to Councillors.</i> ➤ Review every four years.
1.7	Legal Representation Costs Indemnification	Keep with minor amendments including: <ul style="list-style-type: none"> ➤ Updated Strategic Plan Objective in line with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives. ➤ Review every four years.
1.12	Personal Protective Equipment (PPE) Costs Incurred by Council	Keep with minor amendments including: <ul style="list-style-type: none"> ➤ Updated Strategic Plan Objective in line with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives. ➤ Review every four years.

2. Council and Committee Policies

No:	Policy Title	Summary of Changes
2.3	Councillor Training and Continuous Professional Development	Keep with minor amendments including: <ul style="list-style-type: none"> ➤ Updated Strategic Plan Objective in line with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives. ➤ Review every four years.



Council Policy 1.5

Meeting Agenda/Minutes - Confidential Items

Strategic Plan Objective

~~3.3 To provide responsible and accountable governance and management of the EMRC. To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.~~

Purpose

To ensure that confidential items, appearing on the Council and/or Committee agendas are easily recognised so that they can be dealt with in accordance with their special nature.

Legislation

Local Government Act 1995 s.5.23, s.5.25(1)(j), s.5.94 and s.5.95

Local Government (Administration) Regulations 1996 ~~s.5.23~~, r14, r29 and r29A

Local Government (Rules of Conduct) Regulations 2007

Freedom of Information Act 1992 ~~r.6~~ Schedule 1 Clause 4

~~EMRC Standing Order Local Law 2013 clauses, 4.20 and 5.13~~ *EMRC Meeting Procedures Local Law 2023 cl. 4.20 and cl. 5.13.*

Policy Statement

1. That, in accordance with s.5.23 of the ~~Local Government Act~~, items which at the discretion of the Chief Executive Officer (CEO) are confidential are to be distributed separate from but accompanying the Council and/or Committee agendas and marked confidential.
2. That the agenda is to indicate that an item should be treated as confidential while it is being considered by Council/Committee.
3. That the Council and/or Committee decision relating to a confidential item be included in the minutes of the meeting.
4. That confidential documents and attachments are distributed to all Councillors and deputy members via an online platform (i.e. Diligent Board) upon delivery of all relevant agendas.
5. That in accordance with s.5.95(1)(b) and s.5.95(3) of the *Local Government Act 1995* the reports and other documents; relating to the confidential item and presentation at the meeting, not be available for inspection by the public unless the document has been declassified.

The procedure for dealing with confidential information is:

1. Confidential information will be categorised by the EMRC CEO into information that will be disclosed only to the Council and information which may be disclosed to committees and member Council CEOs, ~~and officers~~ and Councillors.
2. Confidential information which will only be disclosed to the Council will include information which is the subject of legal professional privilege, commercially sensitive information and information relating to employees and information which if disclosed will or may cause harm to the EMRC.

3. Where confidential information is to be disclosed only to the Council, the Council may consider that information behind closed doors. Release of confidential information will be limited to officers and employees of the EMRC and Council members including member Council Mayors and Shire President. Confidential information will not be disclosed to any third party, inclusive of member Council CEOs, ~~and~~ officers and Councillors unless authorised by the EMRC CEO prior.
4. Confidential information which may be disclosed to committees and member Council CEOs, ~~and~~ officers and Councillors will be marked as being expressly subject to confidentiality and will be considered behind closed doors by those committees and member Council CEO's.
5. Confidential information which is categorised by the CEO to be not disclosed to committees and member Council CEO's, ~~and~~ officers and Councillors may be referred to Council for review about whether it should be disclosed to committees and member Council CEOs, ~~and~~ officers and Councillors.
6. Application of these procedures will be made in a manner which will facilitate decision making by the EMRC and its Council and committees, prevent confidential information being accidentally disseminated, minimise the conflict of interest member Council CEOs, ~~and~~ officers and Councillors may have consequent upon the duty they owe to a participant and the legal and equitable duty of confidence they owe to the EMRC and to avoid the need for litigation by the EMRC.

Financial Considerations

Nil

Adopted/Reviewed

18 September 1997
 22 July 1999
 02 May 2002
 20 May 2004
 23 February 2006
 18 September 2008
 23 September 2010
 18 September 2014
 06 December 2018
 21 March 2019
 23 June 2022
22 May 2025

Next Review

Following the Ordinary Elections in 2027~~3~~

Responsible Unit

Business Support Team



Council Policy 1.5

Meeting Agenda/Minutes - Confidential Items

Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

Purpose

To ensure that confidential items, appearing on the Council and/or Committee agendas are easily recognised so that they can be dealt with in accordance with their special nature.

Legislation

Local Government Act 1995 s.5.23, s.5.25(1)(j), s.5.94 and s.5.95

Local Government (Administration) Regulations 1996 r14, r29 and r29A

Local Government (Rules of Conduct) Regulations 2007

Freedom of Information Act 1992 Schedule 1 Clause 4

EMRC Meeting Procedures Local Law 2023 cl. 4.20 and cl. 5.13.

Policy Statement

1. That, in accordance with s.5.23 of the items which at the discretion of the Chief Executive Officer (CEO) are confidential are to be distributed separate from but accompanying the Council and/or Committee agendas and marked confidential.
2. That the agenda is to indicate that an item should be treated as confidential while it is being considered by Council/Committee.
3. That the Council and/or Committee decision relating to a confidential item be included in the minutes of the meeting.
4. That confidential documents and attachments are distributed to all Councillors and deputy members via an online platform (i.e. Diligent Board) upon delivery of all relevant agendas.
5. That in accordance with s.5.95(1)(b) and s.5.95(3) of the *Local Government Act 1995* the reports and other documents; relating to the confidential item and presentation at the meeting, not be available for inspection by the public unless the document has been declassified.

The procedure for dealing with confidential information is:

1. Confidential information will be categorised by the EMRC CEO into information that will be disclosed only to the Council and information which may be disclosed to committees and member Council CEOs, officers and Councillors.
2. Confidential information which will only be disclosed to the Council will include information which is the subject of legal professional privilege, commercially sensitive information and information relating to employees and information which if disclosed will or may cause harm to the EMRC.

3. Where confidential information is to be disclosed only to the Council, the Council may consider that information behind closed doors. Release of confidential information will be limited to officers and employees of the EMRC and Council members including member Council Mayors and Shire President. Confidential information will not be disclosed to any third party, inclusive of member Council CEOs, officers and Councillors unless authorised by the EMRC CEO prior.
4. Confidential information which may be disclosed to committees and member Council CEOs, officers and Councillors will be marked as being expressly subject to confidentiality and will be considered behind closed doors by those committees and member Council CEOs.
5. Confidential information which is categorised by the CEO to be not disclosed to committees and member Council CEOs, officers and Councillors may be referred to Council for review about whether it should be disclosed to committees and member Council CEOs, officers and Councillors.
6. Application of these procedures will be made in a manner which will facilitate decision making by the EMRC and its Council and committees, prevent confidential information being accidentally disseminated, minimise the conflict of interest member Council CEOs, officers and Councillors may have consequent upon the duty they owe to a participant and the legal and equitable duty of confidence they owe to the EMRC and to avoid the need for litigation by the EMRC.

Financial Considerations

Nil

Adopted/Reviewed

18 September 1997
22 July 1999
02 May 2002
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06 December 2018
21 March 2019
23 June 2022
22 May 2025

Next Review

Following the Ordinary Elections in 2027

Responsible Unit

Business Support Team



Council Policy 1.7

Legal Representation Costs Indemnification

Strategic Plan Objective

~~3.3 To provide responsible and accountable governance and management of the EMRC. To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.~~

Purpose

To protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the EMRC may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the ~~R~~region.

Legislation

Local Government Act 1995 s9.56 – ~~s~~9.57

Local Government (Functions and General) Regulations 1996 ~~r~~.35

Policy Statement

1 General Principles

- a) The EMRC may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith.
- b) The EMRC may provide such assistance in the following types of legal proceedings:
 - i) Those brought by members and employees to enable them to carry out their EMRC functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - ii) Those brought against members or employees this could be in relation to a decision of Council or an employee which aggrieves another person or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions); and
 - iii) Statutory or other inquiries where representation of members or employees is justified.
- c) The EMRC will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the EMRC may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) The legal services the subject of assistance under this policy will usually be provided by the EMRC's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the EMRC.

2 Applications for Financial Assistance

- a) Subject to item (f), decisions as to financial assistance under this policy are to be made by Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required. Such a request is to contain a declaration that the applicant has acted in good faith, and has not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates.
- c) The application is to be accompanied by a written statement by the applicant that he or she:
 - i) has read, and understands, the terms of this policy;
 - ii) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 3 and any other conditions to which the approval is subject; and
 - iii) undertakes to repay to the EMRC any legal representation costs in accordance with the provisions of clause 3.
- d) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer (CEO) or where the CEO is the applicant by the Chief Financial Officer.
- e) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- f) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*. Council has delegated the authority to the CEO, up to \$5,000 per application, where the need arises for urgent legal services. (Delegation reference C7/2001).
- g) Where it is the CEO who is seeking urgent financial support for legal services the Chief Financial Officer in consultation with the Chairman shall deal with the application.

3 Repayment of Assistance

- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the EMRC.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The EMRC may take action to recover any such moneys in a court of competent jurisdiction.



Financial Considerations

A contingent item that could materialise at any time and therefore requires a budget allocation.

Adopted/Reviewed

20 October 2000
14 December 2000
02 May 2002
20 May 2004
23 February 2006
18 September 2008
23 September 2010
18 September 2014
06 December 2018
23 June 2022
22 May 2025

Next Review

Following the Ordinary Elections in 202~~7~~³

Responsible Unit

Business Support Team



Council Policy 1.7

Legal Representation Costs Indemnification

Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

Purpose

To protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the EMRC may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the Region.

Legislation

Local Government Act 1995 s9.56 – s.9.57

Local Government (Functions and General) Regulations 1996 r.35

Policy Statement

1 General Principles

- a) The EMRC may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith.
- b) The EMRC may provide such assistance in the following types of legal proceedings:
 - i) Those brought by members and employees to enable them to carry out their EMRC functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - ii) Those brought against members or employees this could be in relation to a decision of Council or an employee which aggrieves another person or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions); and
 - iii) Statutory or other inquiries where representation of members or employees is justified.
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- e) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- f) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*. Council has delegated the authority to the CEO, up to \$5,000 per application, where the need arises for urgent legal services. (Delegation reference C7/2001).
- g) Where it is the CEO who is seeking urgent financial support for legal services the Chief Financial Officer in consultation with the Chairman shall deal with the application.

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- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
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Financial Considerations

A contingent item that could materialise at any time and therefore requires a budget allocation.

Adopted/Reviewed

20 October 2000
14 December 2000
02 May 2002
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18 September 2008
23 September 2010
18 September 2014
06 December 2018
23 June 2022
22 May 2025

Next Review

Following the Ordinary Elections in 2027

Responsible Unit

Business Support Team



Council Policy 1.12

Personal Protective Equipment (PPE) Costs Incurred by Council Members Policy

Strategic Plan Objective

~~3.3 To provide responsible and accountable governance and management of the EMRC. To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.~~

Purpose

To establish a policy to approve the reimbursement of expenditure incurred by Councillor Members and Deputy Members for such PPE as determined by the EMRC Chief Executive Officer to be necessary to conduct site visits to minimise exposure to hazards.

Legislation

Local Government Act (1995) s.5.98

Local Government (Administration) Regulations 1996, Reg. 32

Local Government (Financial Management) Regulations 1996, Reg. 44

Policy Statement

- Claims by members of Council for PPE costs incurred may be made in the following circumstances:
 - ⇒ The members attendance is necessary to conduct site visits to EMRC and non – EMRC sites to minimise exposure to hazards.
 - ⇒ The member is attending in his/her capacity associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the EMRC; be reimbursed for the required PPE on the basis as detailed in this policy.
- Claims for PPE costs incurred by Council Members must be made in writing to the EMRC Chief Executive Officer for approval, detailing the date and purposes of the PPE, be signed by the Councillor and include a receipt or tax invoice of the PPE for reimbursement.



Financial Considerations

A statutory provision which requires a budget allocation.

Adopted/Reviewed

23 June 2022

22 May 2025

Next Review

Following the Ordinary Elections in 202~~7~~³

Responsible Unit

Business Support Team



Council Policy 1.12

Personal Protective Equipment (PPE) Costs Incurred by Council Members Policy

Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

Purpose

To establish a policy to approve the reimbursement of expenditure incurred by Councillor Members and Deputy Members for such PPE as determined by the EMRC Chief Executive Officer to be necessary to conduct site visits to minimise exposure to hazards.

Legislation

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Local Government (Administration) Regulations 1996, Reg. 32

Local Government (Financial Management) Regulations 1996, Reg. 44

Policy Statement

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 - ⇒ The member is attending in his/her capacity associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the EMRC; be reimbursed for the required PPE on the basis as detailed in this policy.
- Claims for PPE costs incurred by Council Members must be made in writing to the EMRC Chief Executive Officer for approval, detailing the date and purposes of the PPE, be signed by the Councillor and include a receipt or tax invoice of the PPE for reimbursement.

Financial Considerations

A statutory provision which requires a budget allocation.



Adopted/Reviewed

23 June 2022

22 May 2025

Next Review

Following the Ordinary Elections in 2027

Responsible Unit

Business Support Team



Council Policy 2.3

Councillor Training and Continuing Professional Development

Interrelated Documents

Council Policy 6.2 – Reimbursement of Expenses for Conferences, Seminars and Other Events

Council Policy 6.3 – Attendance at Events

Strategic Plan Objective

3.3 To provide responsible and accountable governance and management of the EMRC To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

Purpose

This policy describes the EMRC's approach to enable Councillors to meet their statutory obligations in relation to Councillor training and gives effect to the requirement to adopt a continuing professional development policy.

Part 5, Division 10 of the *Local Government Act 1995* (the Act) describes provisions related to the universal training of Councillors:

- under section 5.126 of the Act, each Councillor must complete training in accordance with the *Local Government (Administration) Regulations 1996*;
- under section 5.127 of the Act, the CEO must publish a report on the local government's website within one (1) month of the end of the financial year detailing the training completed by Councillors;
- under section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of councillors.

Scope

This Policy applies to all elected members appointed to the EMRC.

Legislation

- Part 5, Division 10 of the *Local Government Act 1995*
- Part 10 of the *Local Government (Administration) Regulations 1996*
- Under section 5.128 of the *Local Government Act 1995* adoption and modification of this policy requires an Absolute Majority decision by Council.

Policy Statement

Introduction

Councillors have a unique and challenging role performing their functions under the Act. The EMRC recognises the value of training and continuing professional development to build and supplement Councillor skills and experience.

Training can take several forms including formal qualifications, short-courses, seminars and conferences.



Training paid for in accordance with this policy must have benefit to the EMRC, the relevant member council and the community. Training must relate to the professional development of Councillors in their role as a Councillor. Examples of organisations that provide training relating to the professional development of Councillors, includes, but is not restricted to:

- Western Australian Local Government Association (WALGA)
- Australian Local Government Association
- Australian Institute of Management
- Australian Institute of Company Directors
- Institute of Public Administration Australia.

Training related to public sector management leadership; town planning; strategic planning; financial management; corporate governance; risk management; conflict resolution; and emergency management is also considered to be relevant.

In considering training, Councillors should complete training, where possible, through a Registered Training Organisation.

Attendance and/or participation at conferences is also considered to be training where value to the EMRC, the relevant member council and community can be demonstrated.

Councillors should note that all training undertaken, including conferences paid for entirely or partially by the EMRC and/or the respective member council will be published on the EMRC's website in accordance with section 5.127 of the Act.

Prescribed Training Requirements

The *Local Government (Administration) Regulations 1996* requires Councillors to complete a 'Council Member Essentials' course consisting of five modules. Certain exemptions, specified in the Regulations, apply.

Training must be completed by all Councillors following their election within 12 months of taking office and is valid for five years. The Regulations require that the course is completed through North Metropolitan TAFE, South Metropolitan TAFE, or WALGA.

Non-compliance with the requirement to complete training is an offence under the Act punishable by a fine not exceeding \$5,000.

Councillors have a responsibility to complete training in accordance with the legislation.

Following each ordinary election, Councillors will be provided with information on training options from the approved training providers. Councillors will be able to select a training option to meet their learning style and availability.

Continuing Professional Development

The EMRC is committed to supporting Continuing Professional Development of Councillors to the benefit of the EMRC, its member councils and the community.

Continuing professional development can include training and attendance at conferences in accordance with this policy.

Training that exceeds the allocated budget amount may be approved by resolution of Council.



Funding

The policy, training and training funding requirements of all EMRC Councillors, as required under the Act, are to be fulfilled by the training undertaken through their respective member councils.

Each Councillor is also allotted an annual training allocation in the EMRC's annual budget. The training allocation is for a financial year and expires at the end of the financial year.

As the expenditure of funds from the EMRC's budget can only be authorised by Council, Councillors must obtain the necessary approvals set in this policy prior to making any financial or other commitments on behalf of the EMRC.

Unless otherwise resolved by the Council:

- Councillors are to use their annual training funding allocation for all training and continuing professional development, except for training that they are required to complete under section 5.126 of the Act;
- Councillors are not permitted to nominate for attendance at a training course or conference paid for by the EMRC three (3) months prior to their term of office expiring;
- Councillors who do not complete training paid by the EMRC will be required to repay the EMRC for the training and associated costs; and
- Any amendments or cancellations to bookings resulting from a change in Councillors' personal circumstances shall be at the Councillor's own cost. Any change or cancellation resulting from the EMRC's operations shall be communicated to Councillors and paid for by the EMRC.

Reporting on Training

In accordance with section 5.127 of the Act, the EMRC will publish a report on the EMRC's website within one (1) month of the end of the financial year detailing the training completed by Councillors.

In order to complete the register, Councillors shall, following completion of the training, provide evidence of completion of the training to the EMRC. Councillors will be asked to confirm their completion or attendance as applicable prior to the publication of the register.

The register will state:

- Councillor name;
- Each training course or module completed;
- The cost of training and any associated travel and accommodation paid for by the EMRC; and
- The training provider or conference name.

For reporting purposes, the costs of training completed as a group will be apportioned to each Councillor that was registered to attend.

Councillors are encouraged to share learnings and insights from training, including conferences with Council.

- Part 5, Division 10 of the *Local Government Act 1995*
- Part 10 of the *Local Government (Administration) Regulations 1996*
- Under section 5.128 of the *Local Government Act 1995* adoption and modification of this policy requires an Absolute Majority decision by Council.



Financial Considerations

An amount will be provided in the annual budget to meet estimated costs associated with continuing professional development by Councillors.

Adopted/Reviewed

24 February 2022

22 May 2025

Next Review

Following the Ordinary Elections in 202~~7~~³

Responsible Unit

Business Support Team



Council Policy 2.3

Councillor Training and Continuing Professional Development

Interrelated Documents

Council Policy 6.2 – Reimbursement of Expenses for Conferences, Seminars and Other Events

Council Policy 6.3 – Attendance at Events

Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

Purpose

This policy describes the EMRC's approach to enable Councillors to meet their statutory obligations in relation to Councillor training and gives effect to the requirement to adopt a continuing professional development policy.

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- under section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of councillors.

Scope

This Policy applies to all elected members appointed to the EMRC.

Legislation

- Part 5, Division 10 of the *Local Government Act 1995*
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Training can take several forms including formal qualifications, short-courses, seminars and conferences.



Training paid for in accordance with this policy must have benefit to the EMRC, the relevant member council and the community. Training must relate to the professional development of Councillors in their role as a Councillor. Examples of organisations that provide training relating to the professional development of Councillors, includes, but is not restricted to:

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Training related to public sector management leadership; town planning; strategic planning; financial management; corporate governance; risk management; conflict resolution; and emergency management is also considered to be relevant.

In considering training, Councillors should complete training, where possible, through a Registered Training Organisation.

Attendance and/or participation at conferences is also considered to be training where value to the EMRC, the relevant member council and community can be demonstrated.

Councillors should note that all training undertaken, including conferences paid for entirely or partially by the EMRC and/or the respective member council will be published on the EMRC's website in accordance with section 5.127 of the Act.

Prescribed Training Requirements

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Non-compliance with the requirement to complete training is an offence under the Act punishable by a fine not exceeding \$5,000.

Councillors have a responsibility to complete training in accordance with the legislation.

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Continuing Professional Development

The EMRC is committed to supporting Continuing Professional Development of Councillors to the benefit of the EMRC, its member councils and the community.

Continuing professional development can include training and attendance at conferences in accordance with this policy.

Training that exceeds the allocated budget amount may be approved by resolution of Council.

Funding

The policy, training and training funding requirements of all EMRC Councillors, as required under the Act, are to be fulfilled by the training undertaken through their respective member councils.

Each Councillor is also allotted an annual training allocation in the EMRC's annual budget. The training allocation is for a financial year and expires at the end of the financial year.

As the expenditure of funds from the EMRC's budget can only be authorised by Council, Councillors must obtain the necessary approvals set in this policy prior to making any financial or other commitments on behalf of the EMRC.

Unless otherwise resolved by the Council:

- Councillors are to use their annual training funding allocation for all training and continuing professional development, except for training that they are required to complete under section 5.126 of the Act;
- Councillors are not permitted to nominate for attendance at a training course or conference paid for by the EMRC three (3) months prior to their term of office expiring;
- Councillors who do not complete training paid by the EMRC will be required to repay the EMRC for the training and associated costs; and
- Any amendments or cancellations to bookings resulting from a change in Councillors' personal circumstances shall be at the Councillor's own cost. Any change or cancellation resulting from the EMRC's operations shall be communicated to Councillors and paid for by the EMRC.

Reporting on Training

In accordance with section 5.127 of the Act, the EMRC will publish a report on the EMRC's website within one (1) month of the end of the financial year detailing the training completed by Councillors.

In order to complete the register, Councillors shall, following completion of the training, provide evidence of completion of the training to the EMRC. Councillors will be asked to confirm their completion or attendance as applicable prior to the publication of the register.

The register will state:

- Councillor name;
- Each training course or module completed;
- The cost of training and any associated travel and accommodation paid for by the EMRC; and
- The training provider or conference name.

For reporting purposes, the costs of training completed as a group will be apportioned to each Councillor that was registered to attend.

Councillors are encouraged to share learnings and insights from training, including conferences with Council.

- Part 5, Division 10 of the *Local Government Act 1995*
- Part 10 of the *Local Government (Administration) Regulations 1996*
- Under section 5.128 of the *Local Government Act 1995* adoption and modification of this policy requires an Absolute Majority decision by Council.



Financial Considerations

An amount will be provided in the annual budget to meet estimated costs associated with continuing professional development by Councillors.

Adopted/Reviewed

24 February 2022

22 May 2025

Next Review

Following the Ordinary Elections in 2027

Responsible Unit

Business Support Team



6.4 APPOINTMENT OF PRESIDING MEMBERS AND DEPUTY PRESIDING MEMBERS TO COMMITTEES

D2025/08700

PURPOSE OF REPORT

The purpose of this report is to appoint presiding members and deputy presiding members to the Audit Committee (AC), Chief Executive Performance Review Committee (CEOPRC) and Legal Committee (LC).

KEY POINT(S)

- Amendments to section 5.12 of the *Local Government Act 1995* require councils to appoint new committee presiding members and deputy presiding members by 1 July 2025.
- These appointments must be made by an absolute majority decision of the Council from this point forward.

RECOMMENDATION(S)

That Council:

1. By absolute majority in accordance with s.5.12(1) appoint Cr to be the Chairperson (Presiding Member) of the Audit Committee.
2. By absolute majority in accordance with s.5.12(1) appoint Cr to be the Chairperson (Presiding Member) of the Chief Executive Officer Performance Review Committee.
3. By absolute majority in accordance with s.5.12(1) appoint Cr to be the Chairperson (Presiding Member) of the Legal Committee.
4. By absolute majority in accordance with s.5.12(2) appoint Cr to be the Deputy Chairperson (Deputy Presiding Member) of the Audit Committee.
5. By absolute majority in accordance with s.5.12(2) appoint Cr to be the Deputy Chairperson (Deputy Presiding Member) of the Chief Executive Officer Performance Review Committee.
6. By absolute majority in accordance with s.5.12(2) appoint Cr to be the Deputy Chairperson (Deputy Presiding Member) of the Legal Committee.

SOURCE OF REPORT

Employee Disclosure under s.5.70 of the *Local Government Act 1995*:

Author(s)	Chief Financial Officer	Nil
Responsible Officer	Chief Executive Officer	Nil

BACKGROUND

- 1 Previously, the members of a committee are to elect a presiding member and deputy presiding member from amongst themselves in accordance with s.5.12 of the *Local Government Act 1995* (the Act).
- 2 Similarly it is a requirement of the Act that members of a committee may elect a deputy presiding member from amongst themselves.

REPORT

- 3 Reforms proclaimed late last year under Schedule 9.3 cl.67 of the Local Government Act Transitional provisions require Local Governments to appoint Committee Presiding Members and Deputy Presiding Members by absolute majority Council decision by no later than **1 July 2025**.
- 4 This applies to all current Committees established under section 5.8 of the Act.
- 5 The changes are intended to allow for greater transparency and clarity on how council committees operate.
- 6 The appointment process for the presiding member and deputy presiding member has also been simplified with the appointment of these roles by Council, instead of the committee(s) electing those roles by secret ballot in the changes to s.5.12 of the Act.
- 7 Currently the EMRC has three committees:
 - a Audit Committee;
 - b Chief Executive Officer Performance Review Committee; and
 - c Legal Committee
- 8 Of the three, the AC and LC have elected their respective Presiding and Deputy Presiding Members.
- 9 The CEOPRC was established at the Special Meeting of Council on 10 April 2025 and has not appointed a Presiding and Deputy Presiding Member.

STRATEGIC/POLICY IMPLICATIONS

- 10 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy:

Target - Sustainability integrated into management processes.

FINANCIAL IMPLICATIONS

- 11 Nil

SUSTAINABILITY IMPLICATIONS

- 12 Nil

RISK MANAGEMENT

Risk – Non Compliance with the *Local Government Act 1995* if Committee Chairpersons and Deputy Chairpersons are not appointed by Council no later than 1 July 2025.

Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
Council to appoint Chairpersons and Deputy Chairpersons to the Committee in accordance with s.5.12 of the <i>Local Government Act 1995</i> .		

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	Nil
City of Bayswater	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That Council:

1. By absolute majority in accordance with s.5.12(1) appoint Cr to be the Chairperson (Presiding Member) of the Audit Committee.
2. By absolute majority in accordance with s.5.12(1) appoint Cr to be the Chairperson (Presiding Member) of the Chief Executive Officer Performance Review Committee.
3. By absolute majority in accordance with s.5.12(1) appoint Cr to be the Chairperson (Presiding Member) of the Legal Committee.
4. By absolute majority in accordance with s.5.12(2) appoint Cr to be the Deputy Chairperson (Deputy Presiding Member) of the Audit Committee.
5. By absolute majority in accordance with s.5.12(2) appoint Cr to be the Deputy Chairperson (Deputy Presiding Member) of the Chief Executive Officer Performance Review Committee.
6. By absolute majority in accordance with s.5.12(2) appoint Cr to be the Deputy Chairperson (Deputy Presiding Member) of the Legal Committee.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

6.5 INFORMATION BULLETIN

2024/2025 COUNCIL TONNAGE COMPARISONS AS AT 31 MARCH 2025

D2025/07533

PURPOSE OF REPORT

The purpose of this report is to provide Council with tonnages and quantities at the Red Hill Waste Management Facility (Red Hill) and the Hazelmere Resource Recovery Park (Hazelmere) for the reporting period to 31 March 2025.

SOURCE OF REPORT

Employee Disclosure under s.5.70 of the Local Government Act 1995:

Author(s)	Manager Financial Services	Nil
Responsible Officer	Chief Financial Officer	Nil

REPORT

- 1 A total of 89,597 tonnes were received from member Councils at the Red Hill Waste Disposal Site (Red Hill) during the reporting period, compared to 79,746 tonnes received during the same period in 2023/2024.
- 2 “Other” waste tonnages totalling 170,670 were received at Red Hill during the reporting period compared to 185,996 tonnes received during the same period in 2023/2024.
- 3 During the reporting period a combined total of 260,267 tonnes compared to 265,742 tonnes during the same period in 2023/2024 were received at Red Hill.
- 4 Tonnages and quantities of waste timber, C&I material and mattresses, plus sales of woodchip/fines at Hazelmere for the above reporting period were as follows:
 - Incoming Waste Timber totalled 13,138 tonnes compared to 12,226 tonnes for the same period in 2023/2024.
 - The sale of fines and woodchip totalled 10,329 tonnes, compared to 10,119 tonnes for the same period in 2023/2024.
 - Incoming Commercial and Industrial (C&I) Waste totalled 330 tonnes, compared to 374 tonnes for the same period in 2023/2024.
 - Mattresses incoming totalled 12,246 compared to 14,303 for the same period in 2023/2024.
- 5 The attachment to this report provides the various tonnages information in a graphical format and highlights the movements and trends for the financial year.

STRATEGIC/POLICY IMPLICATIONS

- 6 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy.

FINANCIAL IMPLICATIONS

- 7 As reflected in monthly financial reports.



SUSTAINABILITY IMPLICATIONS

8 Nil

RISK MANAGEMENT

Risk – Lower than budgeted tonnages received including product sales

Consequence	Likelihood	Rating
Moderate	Moderate	Moderate
Action/Strategy		
➤ Monthly tonnage reports are reviewed by Council and Management Team.		

ATTACHMENT(S)

1. Council Tonnages Report (D2025/08099)

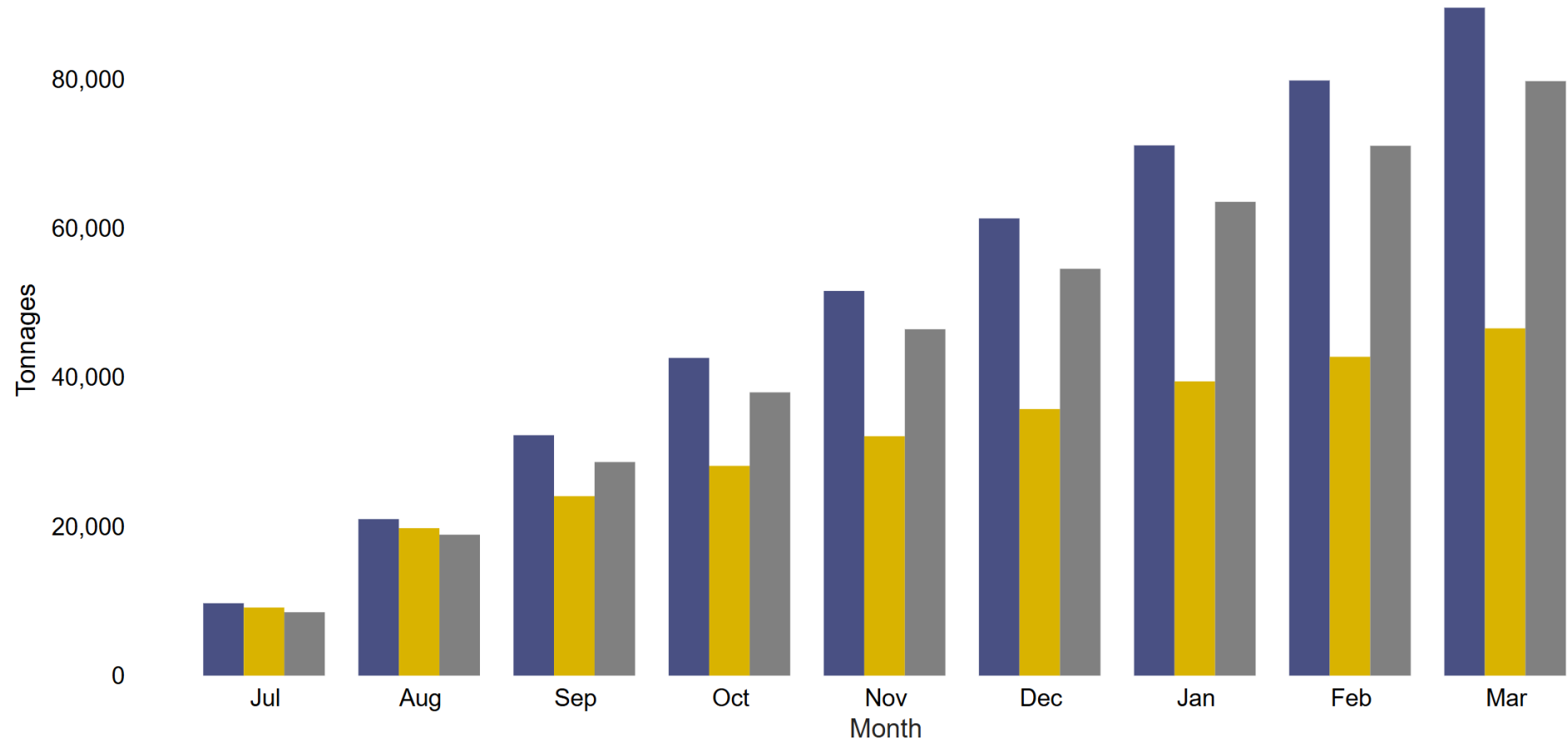


EMRC Tonnage Analysis

as at 31 March 2025

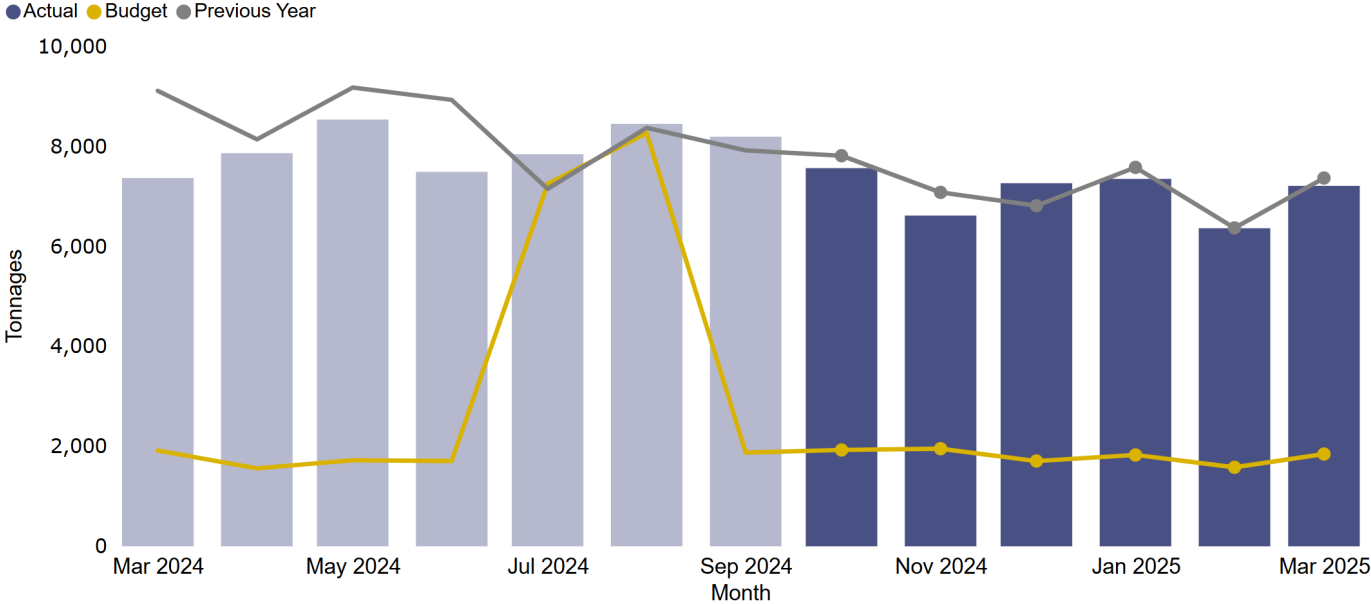
2024/2025 Member Council YTD Overall Tonnages

● Actual FY ● Budget FY ● Previous Year

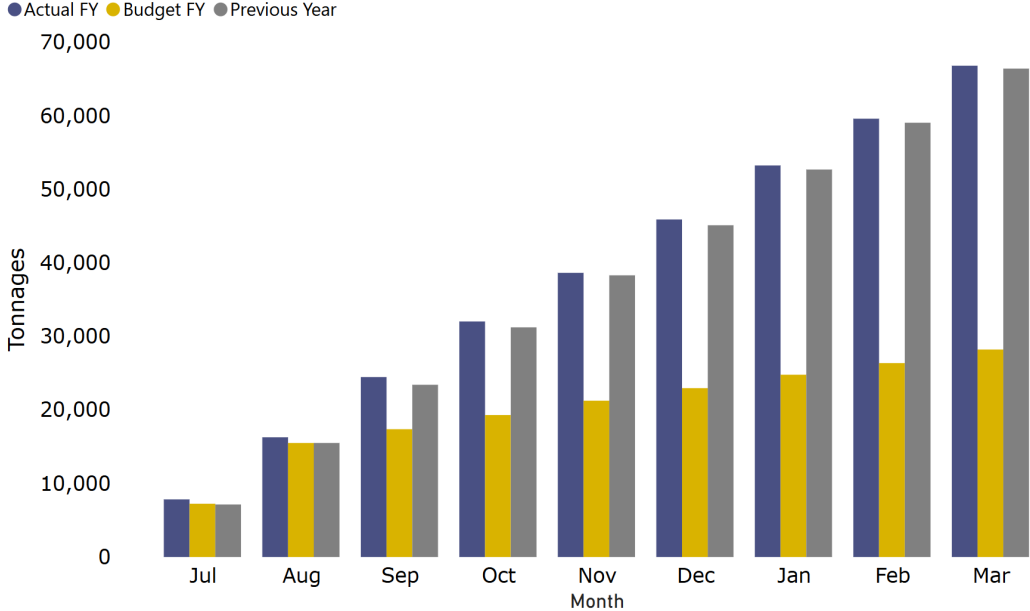


2024/2025 Tonnages

13 month rolling Class III Tonnages for Member Council

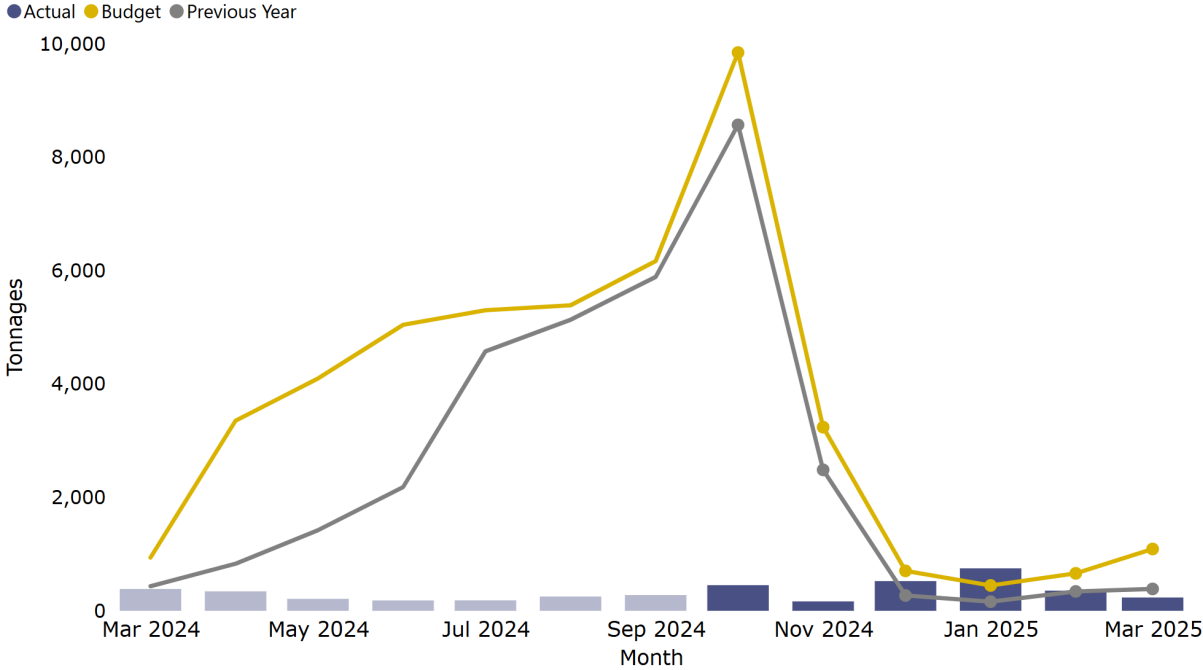


Member Council Class III YTD

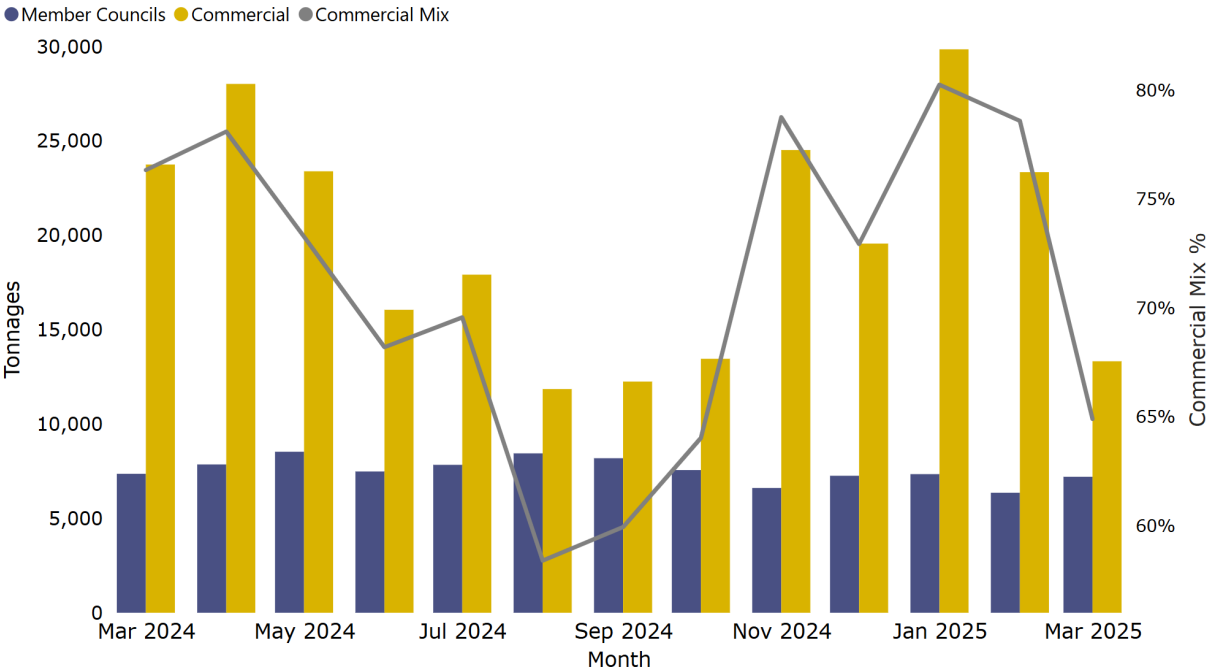


2024/2025 Tonnages

13 month rolling Class IV Tonnages

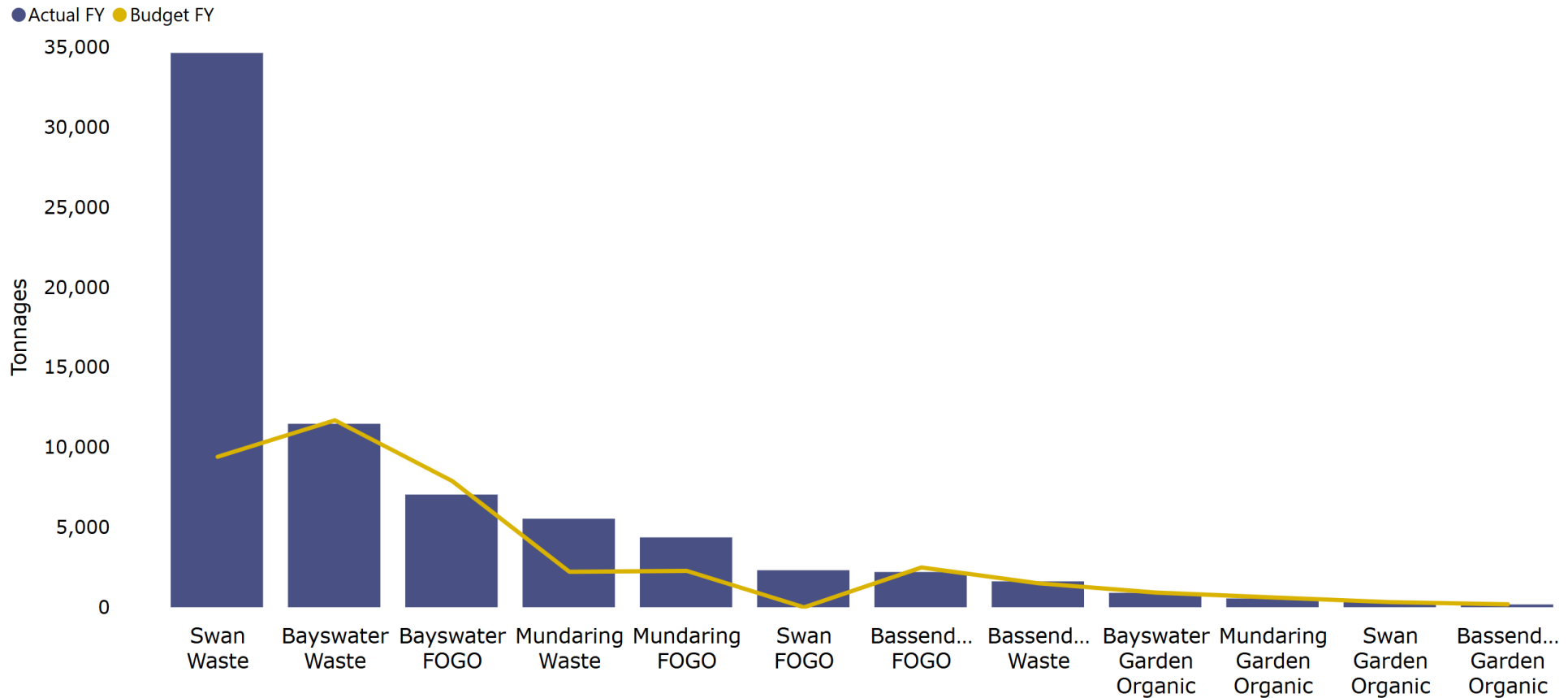


13 month rolling Member Council / Commercial Mix



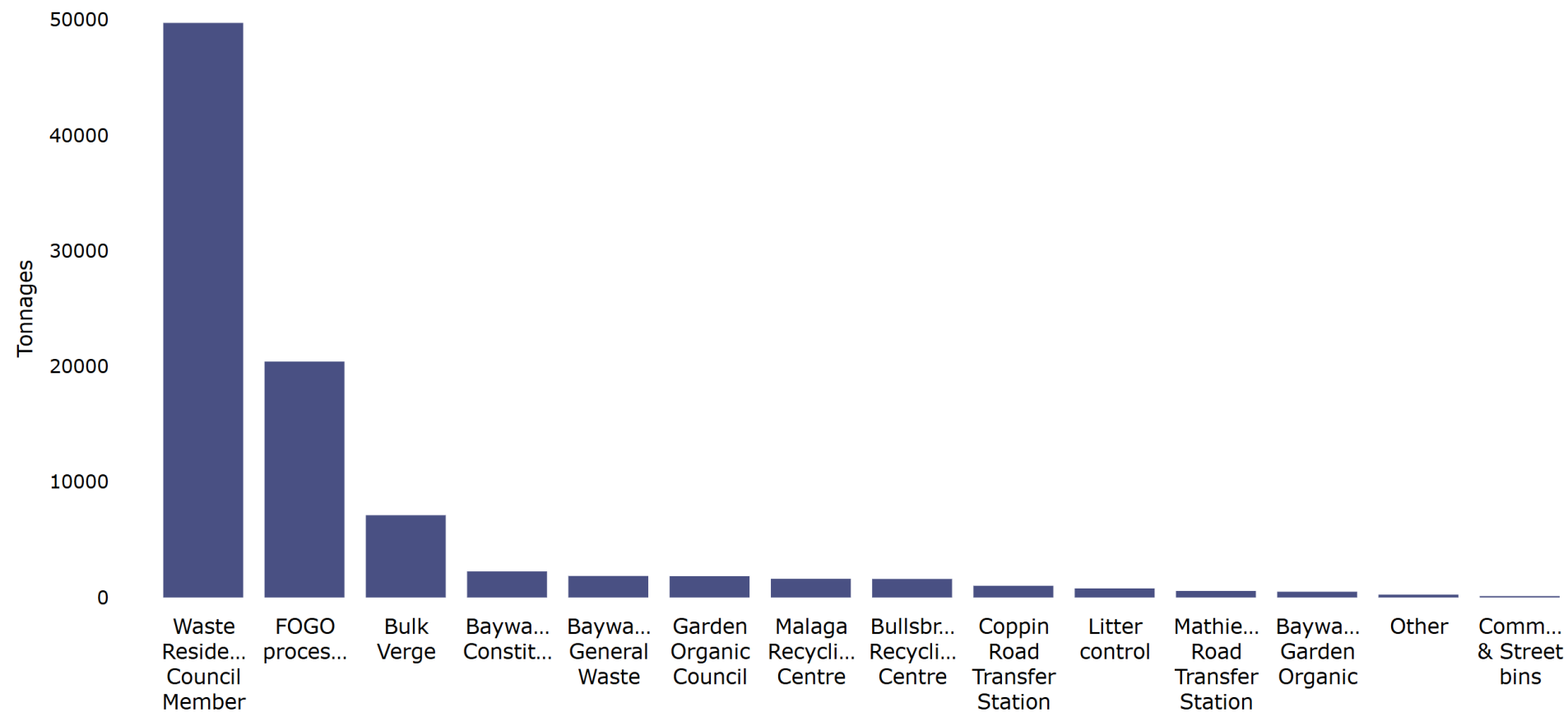
2024/2025 EMRC Combined Waste Report

YTD March 2025

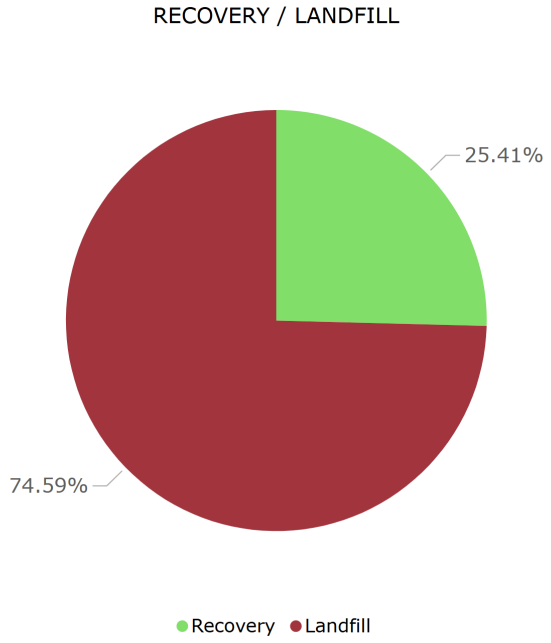


2024/2025 EMRC Waste Receipt Report

YTD March 2025



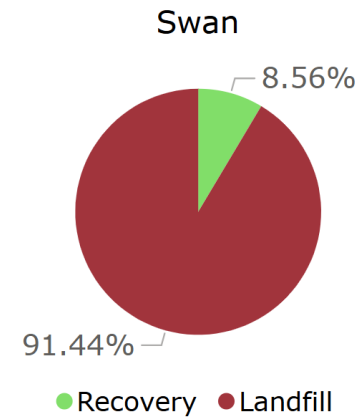
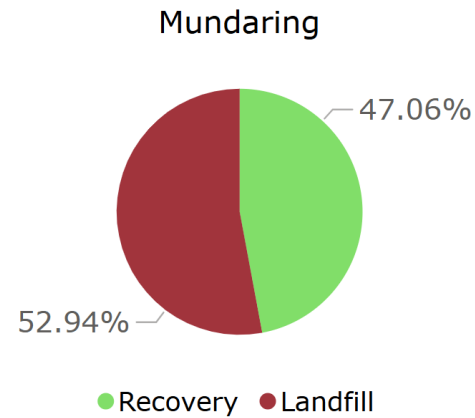
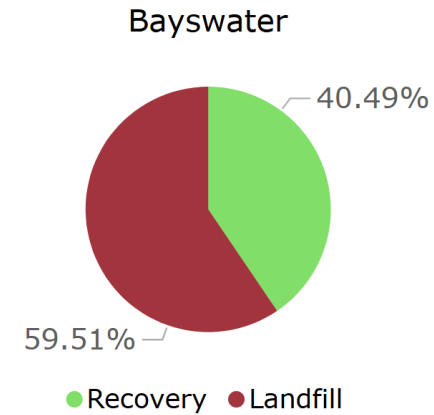
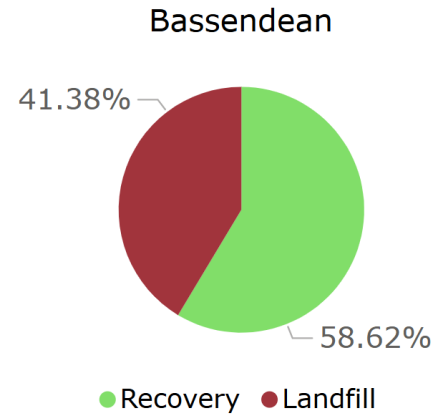
2024/2025 Total Member Council % Recovery @ EMRC



Council Landfill Recovery

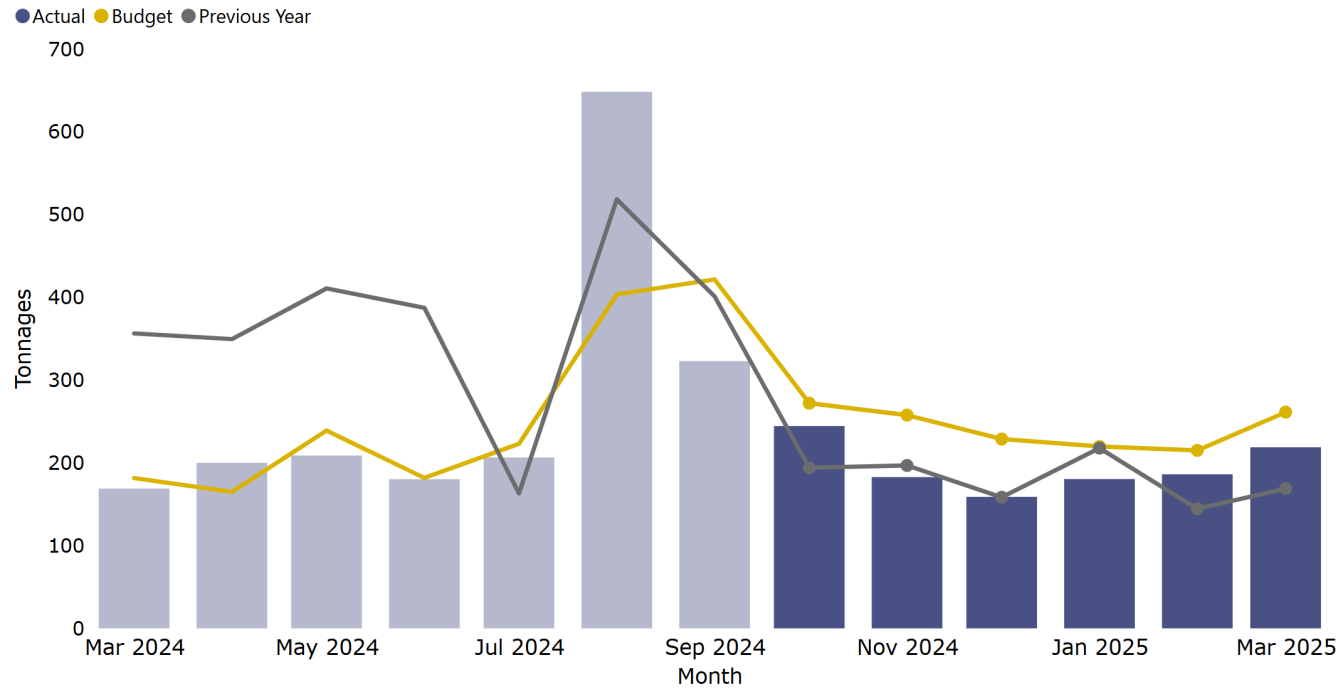
Bassendean	41.38%	58.62%
Bayswater	59.51%	40.49%
Mundaring	52.94%	47.06%
Swan	91.44%	8.56%
Overall	74.59%	25.41%

2024/2025 Member Council Recovery @ EMRC

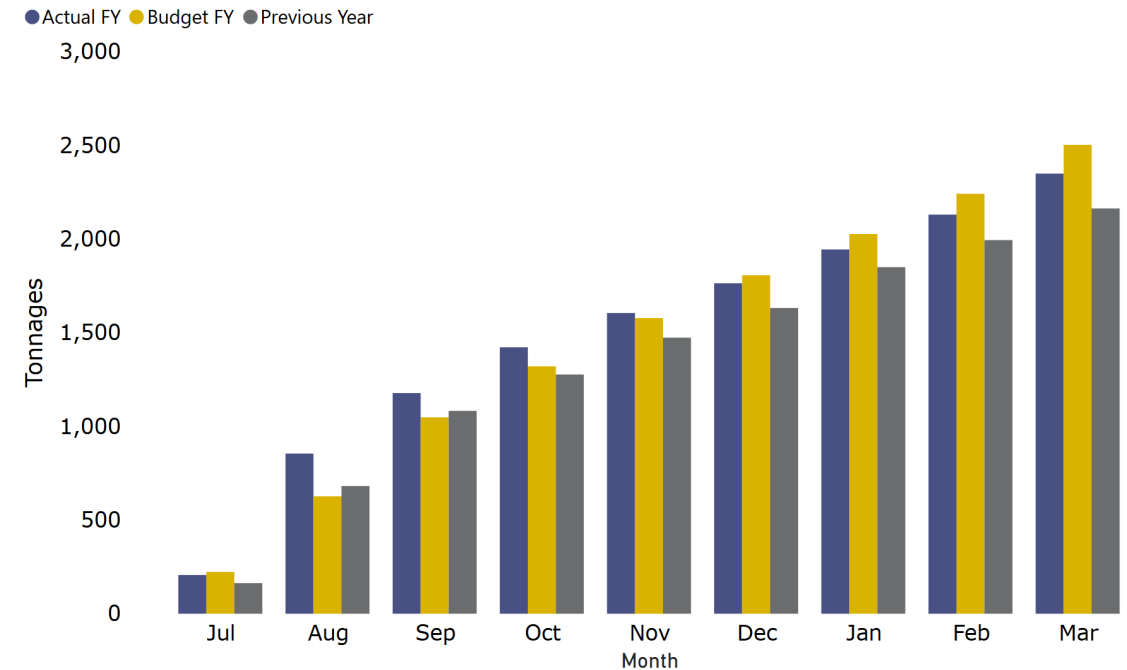


2024/2025 Garden Organic Tonnages

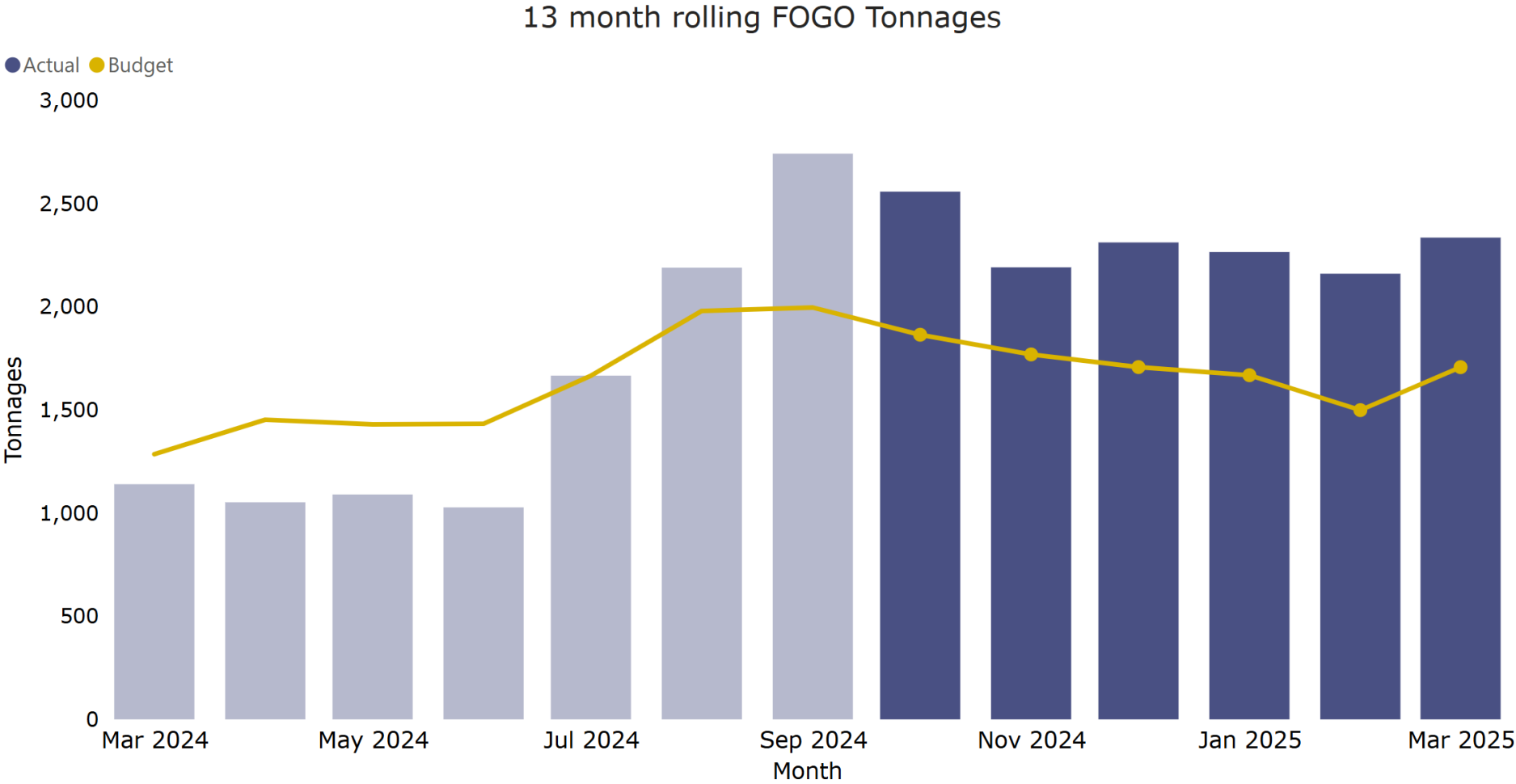
13 month rolling Garden Organic Tonnages for Member Council



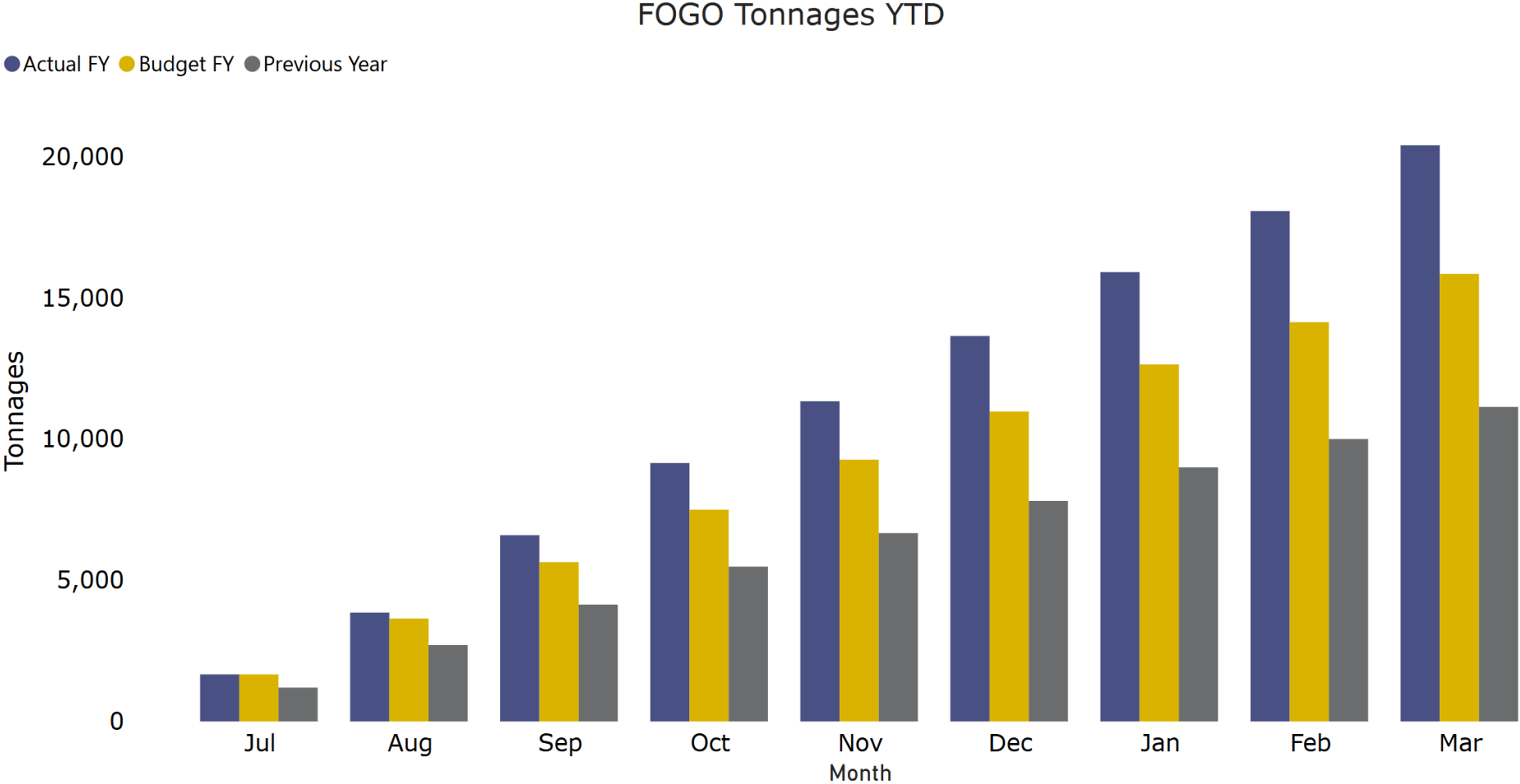
Member Council Garden Organic Tonnages YTD



2024/2025 FOGO Tonnages

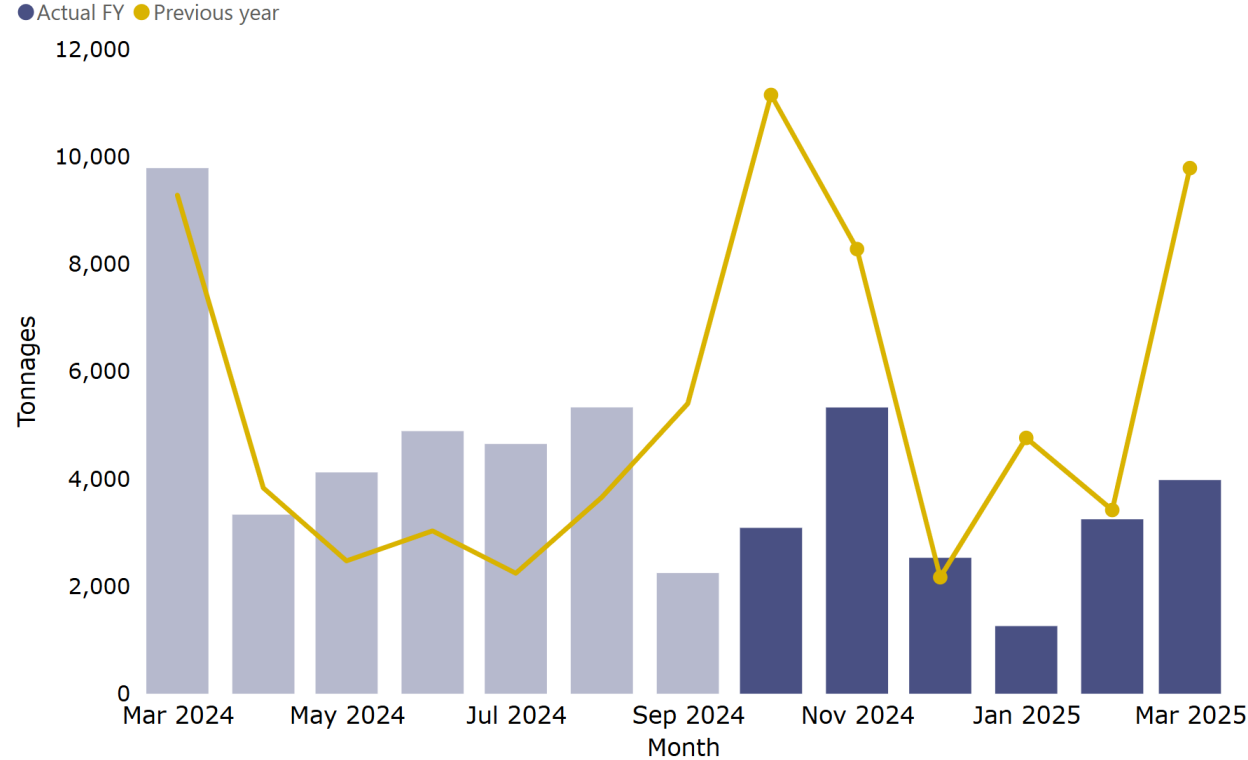


2024/2025 FOGO Tonnages

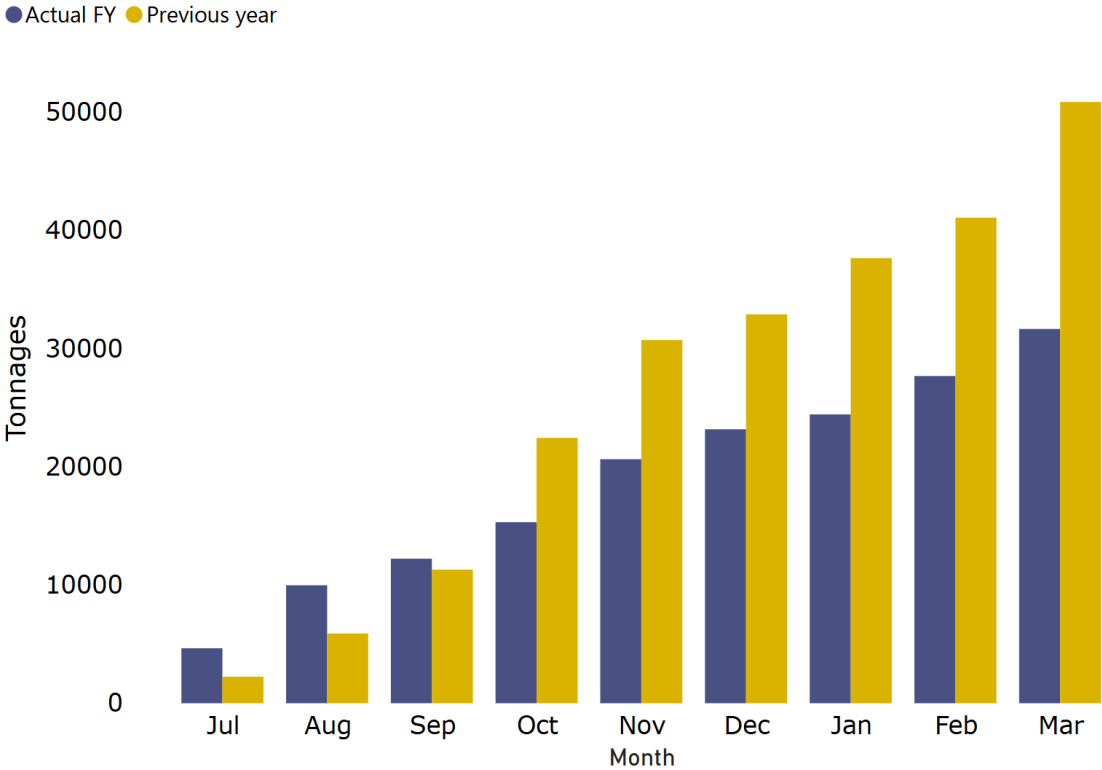


2024/2025 Product Sales

All Products - 13 month rolling Tonnages

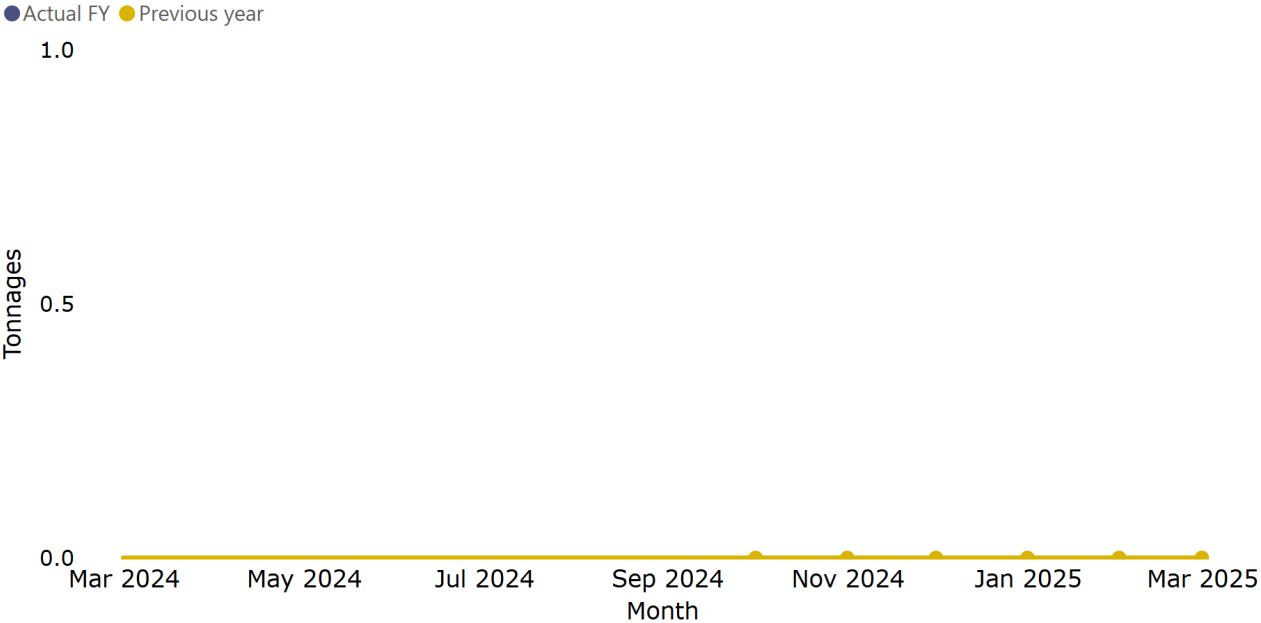


All Products - YTD

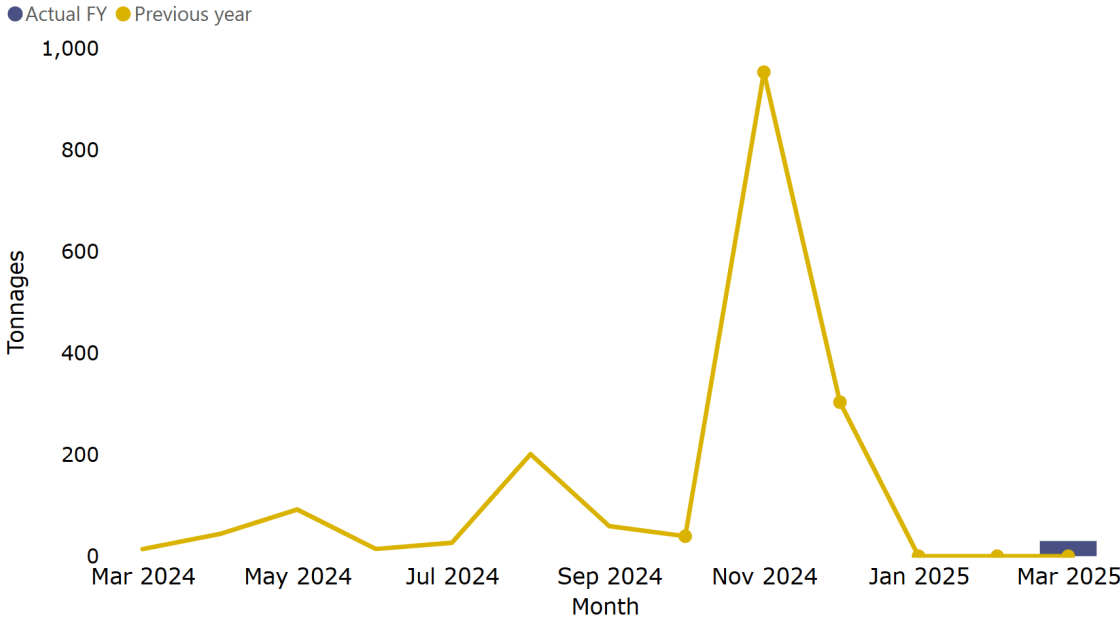


2024/2025 Product Sales

Clay - 13 month rolling Tonnages

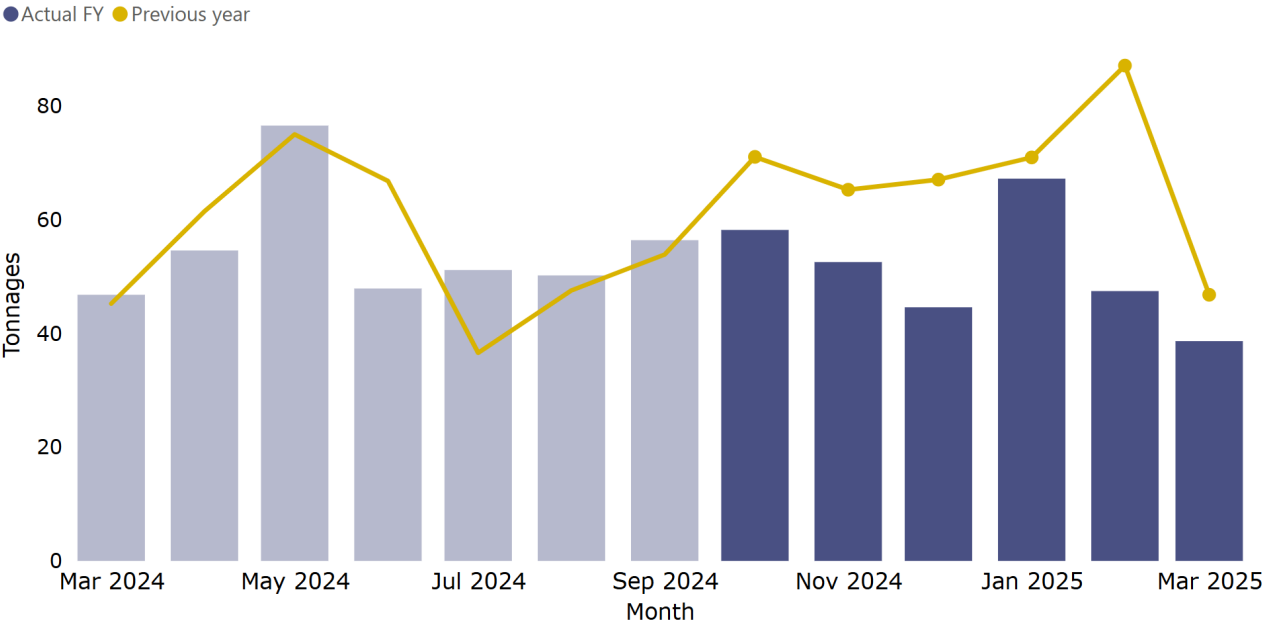


Mulch - 13 month rolling Tonnages

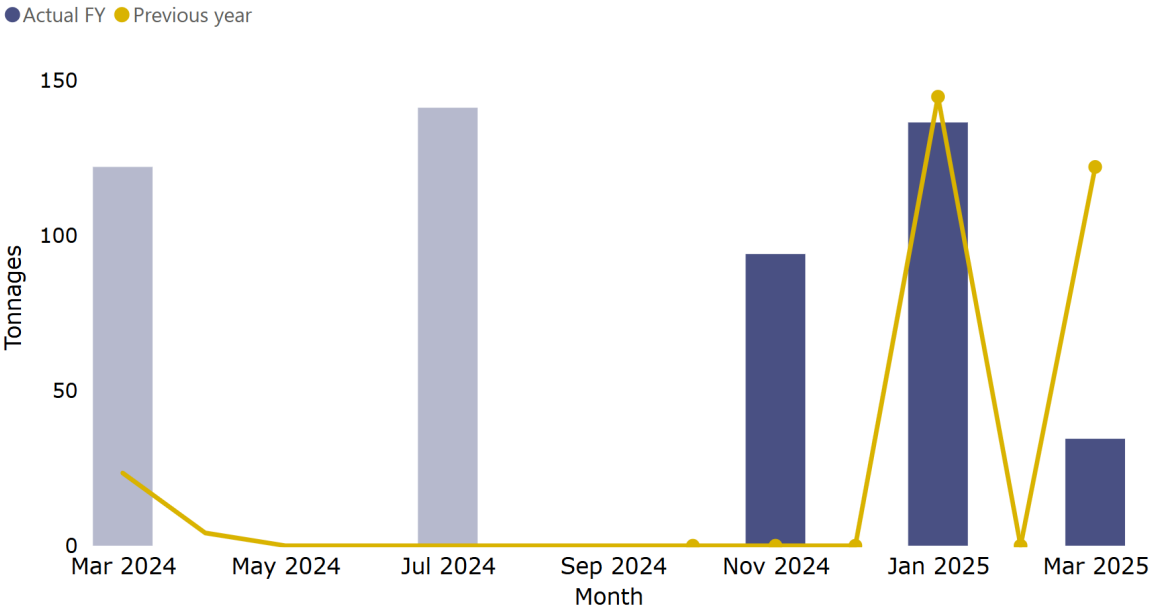


2024/2025 Product Sales

Recycled Materials - 13 month rolling Tonnages

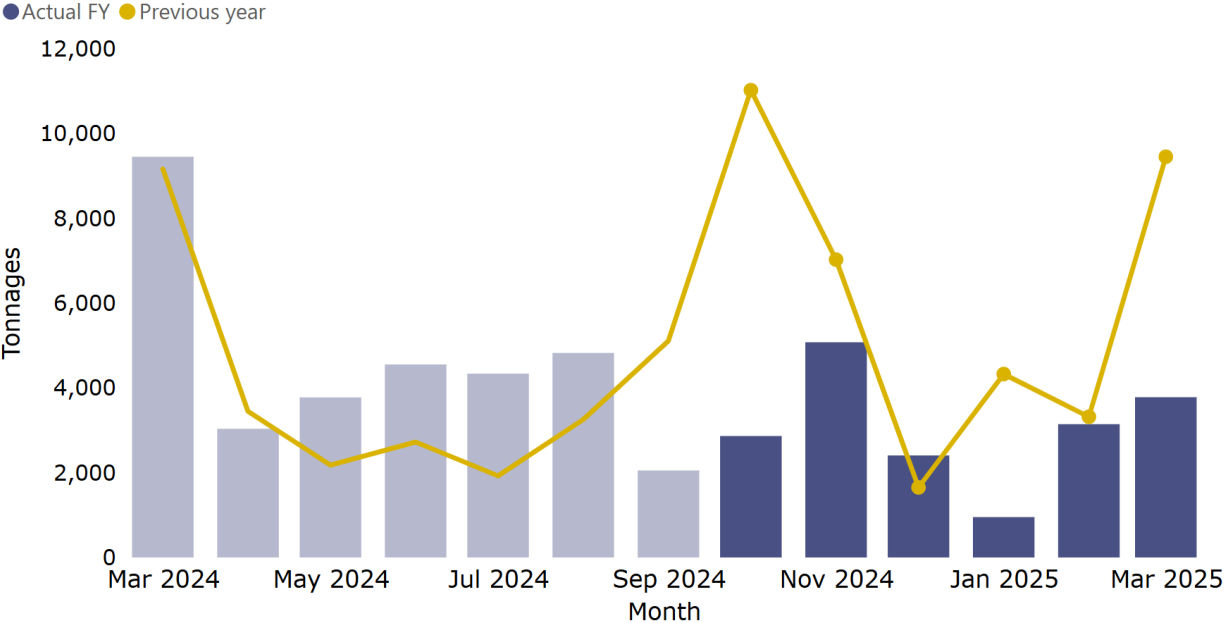


Soil - 13 month rolling Tonnages

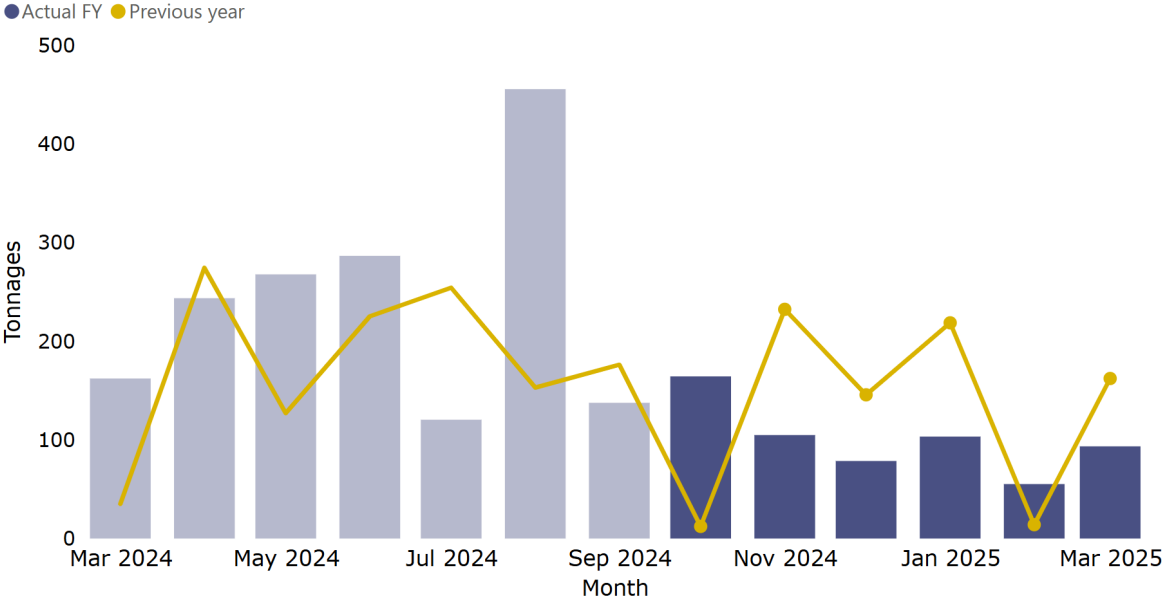


2024/2025 Product Sales

Ferricrete - 13 month rolling Tonnages



Filter / Laterite Rock - 13 month rolling Tonnages



7 CONFIDENTIAL MATTER FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing Meeting to the Public)

That with the exception of, the meeting be closed to members of the public in accordance with Section 5.23(2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

7.1 ESTABLISHMENT AGREEMENT REVIEW (D2025/07710)

This item is recommended to be confidential because it contains legal advice.

See Confidential Item circulated with the Agenda under Separate Cover.

7.2 HAZELMERE WOOD WASTE TO ENERGY PROJECT UPDATE (D2025/07722)

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature and legal advice.

See Confidential Item circulated with the Agenda under Separate Cover.

7.3 LEGAL MATTER – WASTE TRANSFER STATION (D2025/08863)

This item is recommended to be confidential because it contains legal advice.

See Confidential Item circulated with the Agenda under Separate Cover.

RECOMMENDATION (Meeting Re-Opened to the Public)

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

8 FUTURE AGENDA FORUMS

The next meeting of Agenda Forum will be held on Thursday 12 June 2025 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6.00pm.

Forums 2025

Thursday	12	June		at	EMRC Administration Office
Thursday	10	July	(if required)	at	EMRC Administration Office
Thursday	14	August	(if required)	at	EMRC Administration Office
Thursday	11	September	(if required)	at	EMRC Administration Office
Thursday	13	November		at	EMRC Administration Office

9 DECLARATION OF CLOSURE OF MEETING